

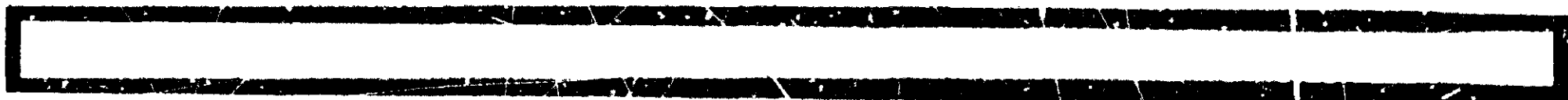
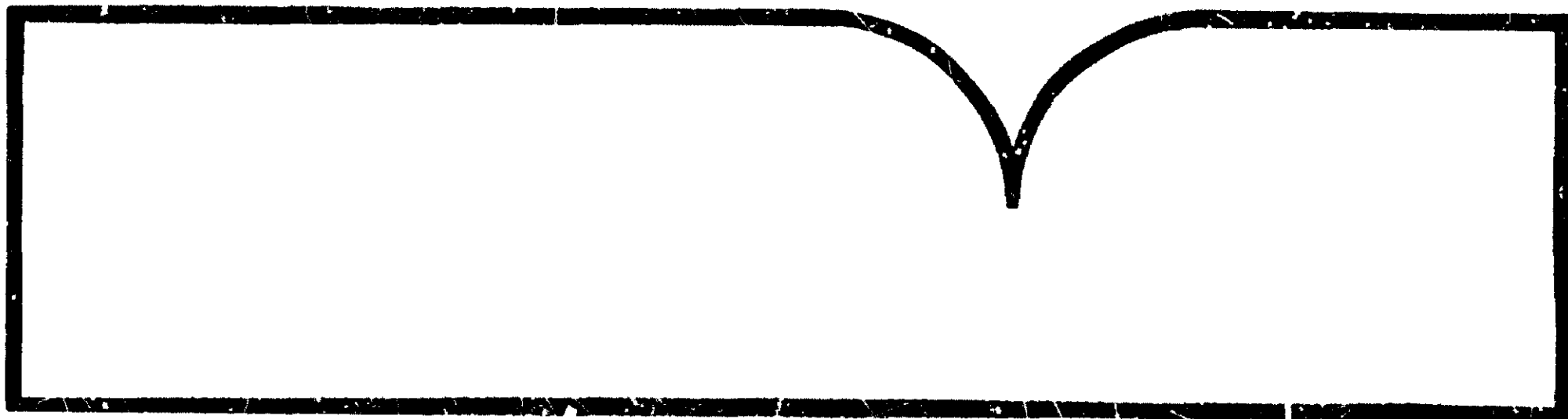


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**Safety Effectiveness Evaluation of  
Detection and Control of Unsafe  
Interstate Commerical Drivers**

**(U.S.) National Transportation Safety Board  
Washington, DC**

15 Feb 80



**U.S. Department of Commerce  
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<p>16. Abstract</p> <p>The National Transportation Safety Board investigated 41 heavy truck accidents involving suspected problem commercial drivers and reviewed data from three previous investigations of heavy truck accidents. The 41 commercial drivers' nationwide driving records, compiled by making inquiries to the States, listed a total of 63 driver licenses held, 98 license suspensions, 104 traffic accidents, and 456 traffic convictions.</p> <p>The Board also made inquiries to the States concerning State policies on the use of the National Driver Register (NDR), driver licensing, and driver records; reviewed studies and reports by other organizations; analyzed sections of the Federal Motor Carrier Safety Regulations pertaining to driver disqualification and driver screening; and analyzed the potential value of the NDR as a tool for the detection and control of problem commercial drivers.</p> <p>The Board found that, in spite of three levels of commercial driver screening--the NDR, State driver licensing policies, and screening by motor carriers pursuant to Federal regulations, problem commercial drivers continue to be licensed by the States and employed by motor carriers to operate heavy trucks and other commercial vehicles.</p> <p>As a result of this evaluation, the Board recommends that the Congress enact legislation to revise the NDR. The Board also issued safety recommendations to the Secretary of Transportation, to certain States, and to the Federal Highway Administration, for improvements in the detection and control of problem commercial drivers.</p>					
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**NATIONAL TRANSPORTATION SAFETY BOARD  
WASHINGTON, D.C.**

**SAFETY EFFECTIVENESS EVALUATION OF DETECTION AND  
CONTROL OF UNSAFE INTERSTATE COMMERCIAL DRIVERS  
THROUGH THE NATIONAL DRIVER REGISTER, STATE DRIVER  
LICENSING POLICIES, AND THE FEDERAL MOTOR CARRIER  
SAFETY REGULATIONS**

**Adopted: February 15, 1980**

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**INTRODUCTION**

About 7:50 a.m. on March 8, 1977, a schoolbus stopped on U.S. Highway 29 near Rustburg, Virginia, lights flashing, to pick up passengers for the trip to a Campbell County public elementary school. Just as the busdriver opened the door, the bus was struck from behind by a loaded tractor-semitrailer weighing nearly 75,000 pounds. The bus overturned as it was spun across two traffic lanes and came to rest on its side 222 feet from the point of impact. Three of the children on the schoolbus died and 29 children, the busdriver, and the truckdriver were injured as a result of the collision. <sup>1/</sup>

The Safety Board's investigation of the accident revealed that the driver of the tractor-semitrailer had a record of 41 traffic convictions in 8 States in a 17-year period (31 of them for speeding), 6 driver license suspensions, and 4 other accidents. He held two valid driver licenses, one issued by the State of Florida and one by the State of North Carolina. Investigators determined that the driver's medical certificate had expired. Had his medical certificate been current he would not have been disqualified to operate a heavy truck, in spite of his record of unsafe driving.

Fatal accidents involving heavy trucks<sup>2/</sup> are increasing at an alarming rate. In 1978, heavy truck accidents killed more than 5,000 persons--accounting for 10 percent of all highway deaths in the United States that year. Safety Board investigations indicate that some of the commercial drivers involved in these accidents, like the driver in the Rustburg, Virginia, case, are "problem drivers"--drivers whose records of traffic convictions, driver license suspensions, and accidents indicate a flagrant and repeated disregard for the safety of other highway users. Yet, these problem commercial drivers continue to be licensed by the States and employed by motor carriers to operate the largest and heaviest vehicles on the highways.

Unsafe drivers of heavy trucks and other commercial vehicles in interstate commerce are subject to detection and control at three levels:

<sup>1/</sup> Highway Accident Report. "Tractor-Semitrailer/Schoolbus Collision and Overturn, Rustburg, Virginia, March 8, 1977," Report No. NTSB-HAR-78-1, February 23, 1978.

<sup>2/</sup> Heavy trucks are single-unit trucks over 20,000 pounds gross vehicle weight and all multiunit trucks (trucks or truck-tractors with one or more trailing units).



-- by State licensing authorities through screening of driver license applicants, monitoring of driver records, and withdrawal or denial of the driving privilege;

-- by screening of driver license applicants, at State request, through the National Driver Register (NDR), a national index of persons whose driving privilege has been withdrawn or denied by a State; and

-- by employing interstate motor carriers, through screening of the driving records of employment applicants and through periodic screening of the records of employed drivers, in compliance with the Federal Motor Carrier Safety Regulations. 3/

The investigative evidence that problem commercial drivers are slipping through this system, undetected and uncontrolled, demonstrates that the system is not effectively accomplishing its purpose. A major problem is that the States and motor carriers have no effective means of determining a commercial driver's complete driving record. There are 56 separate driver licensing jurisdictions, each with its own system of driver records. 4/ Unlike commercial aviation and marine transportation, in which the complete nationwide safety record of a commercial aircraft or vessel pilot can be checked with a single inquiry, there is no single source of complete commercial driver record information. The States and motor carriers can obtain driver record information from individual States--but the system does not provide an effective means of determining which States, or how many, may have records pertaining to a particular commercial driver. Because it is not practical for States or motor carriers to make 56 inquiries into the driving record of each applicant for a commercial driver license or commercial employment, licensing and employment decisions often are made without knowledge of the driver's complete driving history.

Since its first investigation of a heavy truck accident involving a problem commercial driver in 1971, the Safety Board has repeatedly called for improvements in the system. Improvements, however, have been implemented slowly or not at all.

In fiscal year 1979 the Safety Board, increasingly concerned about the ability of problem commercial drivers to escape detection and control and to continue operating heavy trucks and other commercial vehicles, initiated a safety objective to stimulate needed improvements at one level of the detection and control system: the National Driver Register (NDR). The goals of the NDR safety objective are:

- 1) To obtain access to NDR information, through State driver licensing authorities, for commercial motor carriers, who are denied such access under the current NDR statute; and
- 2) To obtain improved participation in the NDR program by the States in both the submission and utilization of NDR data.

To carry out this safety objective, the Safety Board:

-- launched a series of 41 limited investigations of selected heavy truck accidents in which problem drivers were suspected to be involved;

3/ The States have jurisdiction to regulate motor carriers in intrastate commerce.

4/ The 56 jurisdictions include the 50 States, the District of Columbia, and the 5 U.S. Territories. The term State(s) in this report is intended to include any or all of the 56 driver licensing jurisdictions.

- reviewed data from three previous major Safety Board investigations of heavy truck accidents which involved problem commercial drivers;

- reviewed annual fatal accident data relating to heavy trucks for the years 1975 through 1978;

- made inquiries to States concerning their policies and practices on use of the NDR, driver licensing, and driver records;

- reviewed significant studies and reports of other organizations pertaining to the NDR and its use and State driver licensing policies.

- reviewed key Federal Motor Carrier Safety Regulations pertaining to disqualification of commercial drivers and the driver screening responsibilities of interstate motor carriers; and

- analyzed the potential value of the NDR as a tool for the detection and control of problem commercial drivers.

Legislation to establish a fully automated NDR and to authorize motor carrier access to NDR data was being considered by the Congress in 1978; however, instead the Congress directed that the Secretary of Transportation conduct a comprehensive evaluation of the possibility of revising the NDR to facilitate the interstate exchange of driver record information electronically. As of January 13, 1980, the evaluation had not yet been released by the Department.

This safety effectiveness evaluation is intended to complement the Department of Transportation's NDR evaluation by presenting the results of the Safety Board's safety objective activities and identifying deficiencies in the existing system for detection and control of problem commercial drivers. The need for implementation of the improvements stated in the Board's NDR safety objective -- motor carrier access to NDR information through State licensing authorities, and improved participation in the NDR program by the States -- is evaluated, as well as other needed improvements for detecting and controlling problem commercial drivers.

This report was prepared pursuant to Section 304(a)(3) of the Independent Safety Board Act of 1974 (49 USC 1901), which provides that the Board shall "issue periodic reports to the Congress, Federal, State, and local agencies concerned with transportation safety, and other interested persons recommending and advocating meaningful responses to reduce the likelihood of . . . transportation accidents . . . ."

#### FATAL ACCIDENT DATA--HEAVY TRUCKS

In 1978, 5,615 persons were killed in 4,235 fatal accidents involving heavy trucks, accounting for 10 percent of all highway fatalities and nearly 10 percent of all fatal highway accidents in the United States that year. Compared to 1975, these figures represent a 48-percent increase in fatal accidents and a 44-percent increase in fatalities. The increases may be explained only partially by increases in heavy truck accident exposure. <sup>5/</sup>

<sup>5/</sup> Comparable exposure data are not available for all heavy trucks. However, fatal accidents involving heavy trucks of two or more units -- which account for more than 90 percent of all heavy truck fatal accidents and fatalities -- increased more than twice as rapidly between 1975 and 1978 as the number of miles traveled by these trucks.



The number of fatal heavy truck accidents which involved driver error is not known. However, the involvement of driver error in commercial vehicle accidents is indicated by the fact that, of the 34,728 commercial vehicle accidents reported to the Bureau of Motor Carrier Safety in 1978 by interstate motor carriers, 11,806 (34 percent) were single-vehicle accidents. 6/

The vast majority of the fatalities in heavy truck accidents are occupants of other vehicles. According to the National Highway Traffic Safety Administration, in 1978:

In multivehicle fatal accidents involving heavy trucks, 91 percent of the deaths were in vehicles other than heavy trucks. In two-vehicle fatal accidents involving a car and a heavy truck, 97 percent of the fatalities were in the car. This 32:1 ratio for fatalities in passenger cars versus trucks illustrates quite forcefully the great difference in mass between the two vehicles. 7/

This ratio and the total number of fatalities in heavy truck accidents are likely to increase even more as the shift to smaller, lighter passenger cars continues to further increase the difference in mass between cars and heavy trucks.

Driver conduct is critical in the operation of large commercial vehicles because of the relatively higher level of risk associated with accidents involving these vehicles. This higher level of risk is due to:

- The longer stopping distances of heavy vehicles compared to other vehicles;
- The higher crash forces associated with heavy vehicles, which increase the potential severity of accident consequences; and
- The large number of commercial vehicles transporting bulk hazardous materials--such as pressurized flammable liquids; poisons; and corrosives--which, if released in accidents, can result in catastrophic consequences which may affect not only the crash vehicles and their occupants, but surrounding communities as well (the July 1978 fiery crash of a propane tank truck in a campground in Spain killed more than 150 people).

#### THE ONE-LICENSE CONCEPT

The "one-license" concept is central to the detection and control of problem commercial drivers. Its purpose is to prevent abuse of the driving privilege by a driver who, upon suspension of the driving privilege by one State, simply crosses State lines to obtain a license from another State and continues driving as irresponsibly as before. The one-license concept is also directed at curtailing the holding of more than one license at a time. A letter to the Safety Board from a Mississippi driver licensing official described the multiple license problem:

We know that many truck drivers are obtaining driver licenses in most states that they travel through. This is done on purpose and is done by making minor changes in the first or middle names. If they

6/ Federal Highway Administration, "1978 Accidents of Motor Carriers of Property," and "1978 Accidents of Motor Carriers of Passengers."

7/ National Highway Traffic Safety Administration, "Fatal Accident Reporting System 1978 Annual Report," DOT H3-804-832, September 1979.

deny holding a valid license when they apply for your state's driver license, it is impossible now to run a check through anyone to establish if they have given false information.

The reason, as you know, to obtain these licenses is to switch them around so that they do not receive too many convictions on any one driver license. They do not want to attract any attention to themselves by any driver improvement office. The citizen band radio is educating these drivers in how to obtain driver licenses. The buddy system is used in giving each other their home address to be used on a driver license. This true address appears on these driver licenses. This, in my opinion, is why it has been extremely hard to slow the truck down to the fifty-five miles per hour speed limit. Many companies pay their driver's fines. Thus, as long as they can avoid the driver improvement programs they will not comply with the law. 8/

The one-license concept is based upon the philosophy that driver licenses issued by the States do not constitute separate privileges to drive; rather, each individual has a single, nationwide driving privilege which may be certified by any State by issuing a driver license. The privilege to drive more than one particular class of vehicle, while subject to restrictions, is part of the single driving privilege.

In practice, the one-license concept means that:

- A driver should hold only one driver license at a given time, issued by the State of residence.
- The privilege to drive two or more classes of vehicles should be indicated by endorsement on the driver's license, rather than by issuance of separate licenses.
- When a new resident applies for a license, he or she should be required to surrender any valid driver license issued by another State, and that license should be returned to the issuing State, with a report of action taken.

The one-license concept is expressed in the provisions of three documents -- the Uniform Vehicle Code, the Driver License Compact, and Federal Highway Safety Program Standard No. 5, "Driver Licensing."

The Uniform Vehicle Code is a model system of traffic laws recommended to the States by the National Committee on Uniform Traffic Laws and Ordinances. The code, revised in 1979 (section unchanged), recommends that the States adopt laws implementing the one-license concept. (See appendix A.)

The Driver License Compact, an interstate agreement to abide by certain uniform rules and practices in driver licensing, contains provisions which member States agree to follow to implement the one-license concept. The Compact also provides that a member State which convicts a nonresident driver of a traffic violation shall notify the driver's State of license, and that State shall give certain convictions of other member States the same effect as its own convictions. Thirty States have signed the Driver License Compact. (See appendix B.)

8/ Letter at Appendix D.

Highway Safety Program Standard No. 5, a Federal safety standard administered by the Department of Transportation, requires that States adhere to the one-license concept in driver licensing. (See appendix C.) If a State fails to comply with the standard, the Secretary of Transportation may reduce Federal funding for the State's highway safety programs. However, the Secretary is not required to require compliance with the standard, or with every element of the standard, in every State. The authorized sanction has never been applied to any State for noncompliance with the standard.

On June 7, 1978, the Safety Board issued a recommendation to the Governors of all of the States, calling upon them to review their driver licensing policies and revise them as necessary to insure conformity with the one-license concept. (Safety Recommendation No. H-78-45). In response to this recommendation, the Safety Board received substantive replies from 15 States and letters from 8 States acknowledging its receipt. (See appendix D.)

#### PROBLEM COMMERCIAL DRIVERS AND LOOPHOLES IN THE DETECTION AND CONTROL SYSTEM

The current system for detecting and controlling problem commercial drivers contains certain features at each level -- the NDR, State driver licensing policies, and the Federal Motor Carrier Safety Regulations -- which limit the ability of the system to accomplish its intended purpose. These "loopholes" permit some of the worst drivers to continue to be licensed and employed to operate heavy trucks and other commercial vehicles.

Many of the loopholes in the detection and control system have been identified by Safety Board investigations and in studies by other organizations. Additional information has been developed through the Safety Board's NDR safety objective activities. These loopholes at each level of the system are described below.

#### THE NATIONAL DRIVER REGISTER

The National Driver Register (NDR) is a central listing of persons whose driving privilege has been withdrawn (suspended or revoked) or denied by any State because of a serious traffic violation or a series of violations. The purpose of the NDR is to assist the States in preventing the inadvertent issuance of a driver license to a person whose driving privilege has been withdrawn or denied by another State.

The NDR is administered by the National Highway Traffic Safety Administration (NHTSA) in the Department of Transportation, pursuant to the provisions of the National Driver Register Law, as amended. (See appendix E.) This statute provides that the NDR may be used only by the States and by Federal agencies which issue driver permits, and only for the purpose of issuance and renewal of driver licenses and permits. These restrictions effectively preclude motor carrier access to NDR information, either directly or indirectly, through State authorities.

The States participate in the NDR program voluntarily by notifying the NDR when a person's driving privilege is denied, withdrawn, or reinstated, and by requesting NDR checks on applicants for original or renewal driver licenses. When a State requests an NDR check, it receives a report only if the check results in a "probable identification" of a person whose driving privilege has been withdrawn or denied.

In addition to the initial check of the NDR file in response to a State's request, the NDR staff continues to check the file periodically for 3 1/2 months after the request is received. The purpose of this "delayed search" procedure is to detect drivers who, knowing that a suspension action is pending in one State, apply for a driver license in another State before the suspension is actually imposed. If a driver who was not identified by an initial NDR check is subsequently identified by a delayed search, the State which made the original inquiry is notified of the driver's status. Even though the driver has probably already received a driver license by the time the State receives the delayed search report, the State can cancel or revoke the license, and contact the driver to request that the license be surrendered (or attempt to locate the driver and confiscate the license).

Although the NDR is computer-assisted, inquiries from the States are sent to the NDR in Washington, D.C., by mail, and NDR reports are mailed back to the States. The entire process, from the time the State mails an inquiry to the time it receives an NDR report, normally takes 10 to 14 days.

Serious deficiencies in the NDR have been identified by the Safety Board, the States, and a number of other organizations. There appears to be widespread agreement that the system is not operating effectively because motor carriers are denied access to NDR information; the NDR response time is too slow; and many States do not participate fully in either the submission or utilization of NDR data.

#### Motor Carriers Denied Access

The Safety Board called for revision of the NDR in 1972 following its investigation of a fatal heavy truck accident involving a problem commercial driver.<sup>9/</sup> The accident occurred at Moscow, Pennsylvania, on September 5, 1971. A tractor-cargo tank semitrailer was coasting out of gear down a steep grade at excessive speed when the driver lost control in a curve, and the semitrailer overturned onto a Volkswagen Microbus and burst into flames. The four occupants of the Microbus -- a man, his wife, and their two young children -- were killed. The truckdriver received third-degree burns over 40 percent of his body and an unauthorized passenger in the tractor's cab received minor burns. As a result of the accident the truckdriver was convicted of four counts of involuntary manslaughter.

The Safety Board's investigation revealed that the accident occurred 23 days after the driver was hired by an interstate motor carrier who did not inquire into the driver's driving record. The truckdriver was driving under a temporary driver license that had been issued by the State of New Jersey shortly after that State had suspended the driver's license and while that suspension was still in effect.

The driver had a record of 6 previous suspensions in New Jersey and 2 previous suspensions in Pennsylvania, and records in several States of a total of 22 traffic convictions and 7 previous accidents. The driver's State of license, New Jersey, was not aware of much of the driver's driving record. Had the State fully used the NDR, its inadvertent issuance of a new, temporary driver license to a suspended driver could have been prevented. Had the motor carrier been able to obtain driver record information by making a single inquiry, the carrier could have discovered the driver's actual driving record and might not have hired him.

<sup>9/</sup> Highway Accident Report, "Tank-Truck Combination Overturn Onto a Volkswagen Microbus Followed by Fire: U.S. Route 611, Moscow, Pennsylvania, September 25, 1971," Report No. NTSE-HAR-72-6, October 18, 1972.



As a result of its investigation, the Safety Board became concerned about the lack of an effective way for a State or a motor carrier to determine accurately a driver's complete driving record. When the investigation was completed in 1972, the Safety Board recommended that:

The National Highway Traffic Safety Administration (NHTSA) request legislation to revise its National Driver Register Service to make convictions of all hazardous traffic offenses committed in any State known to any other State as well as the resident State of the driver. Commercial motor vehicles drivers' records should be made available to all motor carrier employers seeking to conduct a driver's record investigation as required by the Motor Carrier Safety Regulations (391.23). (Recommendation No. H-72-43.)

In 1973, the NHTSA awarded a contract for a study of ways of improving the NDR to make the service more useful to the States. The study <sup>10/</sup> included an NDR conference of representatives of State, Federal and private interests at Louisville, Kentucky, July 24 to 26, 1973. One of the improvements desired by the conferees was authorization for motor carrier access to NDR information, through State authorities, for employment purposes.

In its 1976 Annual Report to Congress, the Safety Board advised the Congress of the need for motor carrier access to NDR information. The report observed that the Federal Motor Carrier Safety Regulations require interstate motor carriers to review the driving records of both applicant and employed drivers, but that motor carriers have no effective means of determining which States have records on a particular driver, or whether a driver's driving privilege has been suspended by one of the States.

#### Slow NDR Response Time

Participants in the 1973 NDR conference also recommended that the NDR be converted to an on-line, rapid response service. When the NDR was established in 1960, most of the States required time to check State driver records before issuing a driver license to an applicant, and the NDR could be checked during that time. Since 1960, however, most States have automated or computerized their driver records systems, permitting them to perform records checks almost instantaneously and to issue a driver license to an applicant "over-the-counter" -- usually on the same day the application is made. The NDR, however, has not been responsive to changing State needs--the response time is still 10 to 14 days. Because the NDR does not have a same-day inquiry response capability, in most States an NDR report is not received until after an applicant has already been issued a driver license.

Although a State can subsequently suspend the license after it receives and verifies the NDR report, the license itself will not indicate the suspension. Driver license officials are often frustrated in their attempts to recover licenses from drivers after a suspension is imposed. A driver license official in Florida wrote to the Safety Board:

<sup>10/</sup> Safety Management Institute, "National Driver Register Study of Alternatives, Final Report," DOT HS-021-3-625, National Highway Traffic Safety Administration, 1973.



In 1967, Florida adopted by statute the Driver License Compact which requires that drivers applying for a Florida driver's license must surrender all licenses issued and currently in force in other party states. However, Florida is also an across-the-counter driver license issuance state. If an applicant falsifies his application, he can not always be located following the time it takes to receive a reply from the National Driver Register (currently a minimum of two weeks). Rapid access to the National Driver Register would have provided a check on the licensing of habitual offenders such as [the driver in the Rustburg, Virginia case]. (See appendix D.)

Two years after the NDR Conference at Louisville, Kentucky, a second study was undertaken to determine the feasibility and design of an on-line, rapid response NDR system. The study indicated that 41 States desired a rapid response service, and 34 desired an on-line, virtually instantaneous electronic inquiry service. <sup>11/</sup>

In 1977, legislation was introduced to revise the NDR as an on-line, rapid response system and to permit access to NDR information by motor carriers and other potential users who are denied access under the current statute. The legislation was subsequently incorporated in proposed provisions of the Surface Transportation Assistance Act of 1978. However, the Conference Committee for the House and Senate determined that the major NDR revisions proposed required study. The Act was adopted without the NDR proposals; instead, the Congress directed that the Secretary of Transportation perform a comprehensive evaluation of the possibility of fully automating the NDR to provide an electronic communications system for the direct exchange of driver record information among the States.

#### Inadequate State Participation

In 1978, the U.S. General Accounting Office reviewed the NDR program and issued its report, "The National Driver Register--A Valuable Licensing Tool that Needs to be Improved." <sup>12/</sup> One year later, in July 1979, Citizens for Better Driving Records, Inc., reported the findings of its NHTSA-sponsored study of NDR participation by four States. <sup>13/</sup> Both of these studies found that participation in the NDR varies in degree among the States. The Safety Board developed similar information by making inquiries to State driver licensing officials on their policies concerning use of the NDR. This combined information indicates that the States are not using the NDR to its full potential, and that inadequate participation, in turn, is one reason why some States do not participate fully.

Many States are selective in the types of information they submit to the NDR. Some States, such as Rhode Island and Delaware, submit all suspensions and revocations, while a few States, such as Kansas, do not submit any. Vermont submits only those suspensions imposed for a conviction of driving under the influence of alcohol or drugs, or in connection with a fatal accident. In Maine and Massachusetts, State privacy laws prohibit submission of the reason for a suspension.

<sup>11/</sup> Rockwell International, "System Definition Report for the National Driver Register Design Study," National Highway Traffic Safety Administration, Report No. DOT-HS-802-521, August 1975.

<sup>12/</sup> Report No. CED-78-129, June 15, 1978.

<sup>13/</sup> Nathanson, Kenneth L. and Frances M., Citizens for Better Driving Records, Inc., "National Driver Register Study of Selected States, Final Report," prepared for the National Highway Traffic Safety Administration, July 1979.

The retrieval of NDR data also varies from State-to-State. Some States check the NDR on all applicants for an original or renewal driver license, while some States check only original applicants, or do not check the NDR at all. In some cases, a State will not check the NDR if the applicant surrenders a valid license from another State, or will check only in suspicious cases. These differences in the retrieval of information are reflected in the relative level of NDR use among the States. The General Accounting Office found that in 1976 Texas made almost 3.5 million inquiries to the NDR while Florida that year made 10 and California, none.

A significant finding of the Citizens for Better Driving Records study is that in many cases, States do not deny licenses to suspended drivers identified by the NDR. One reason for not acting on an NDR report is that the laws or policies of most States require that the reason for the suspension, and in some cases the length of the suspension, be compatible with, or substantially match, those provided for in the State's motor vehicle code. One example of this concerns convictions of drunk driving. The study notes that Virginia, which uses a compatibility test, expresses the violation as "driving while intoxicated." North Carolina expresses the violation as "blood alcohol content." Because of the difference in terms, Virginia does not honor drunk driving convictions and suspensions imposed by North Carolina -- which, the study observes, may have serious implications because the two States are contiguous.

A related problem is that most States require an actual driver record abstract (in some cases a certified abstract) as a basis for license denial. These States, and those which apply a compatibility test, are sometimes frustrated in their efforts to meet the requirements for license denial because some States, for privacy reasons, withhold the reason for a suspension or restrict release of driver record abstracts. According to Citizens for Better Driving Records, this means that a suspended driver will "obtain a license by default." The same study found that a driver whose suspension by one State is imminent may be able to obtain and keep a license from another State by taking advantage of the normal administrative delays between the violation, conviction, suspension, and notification of the NDR. Because of these delays the driver, when applying for a license, may be able to state honestly that he or she is not or has not been suspended. The laws of some States (Iowa and Pennsylvania were cited) require that the driver must be permitted to retain a license once it is issued even if a delayed search NDR report eventually indicates a subsequent suspension, because the driver's privilege was "valid at the time of issue."

A relatively common complaint among State driver licensing officials is that NDR data are sometimes not up-to-date because some States are delinquent in notifying the NDR of the date a driver's privilege is restored. For example, a Vermont driver licensing official wrote to the Safety Board:

A major area of concern with information received from the National Driver Register is that notices will be received that a person has been convicted of an offense or his license has been suspended or revoked and a follow-up check with the State in which the suspension or revocation occurred will indicate reinstatement -- sometimes many months previous. 14/

14/ Letter dated March 26, 1979, from Donald C. Dolliver, Director of Field Services, State of Vermont Department of Motor Vehicles, to Thomas G. Calderwood, Highway Safety Specialist, National Transportation Safety Board.

The findings of the two studies of State participation in the NDR and information supplied to the Safety Board by the States indicate that inadequate State participation, NDR data that are not up-to-date, and the lack of on-line, rapid response inquiry service impair the effectiveness of State efforts to detect and control problem drivers and discourage effective participation by the States.

As a result of its NDR study, the General Accounting Office concluded that:

NDR has undoubtedly assisted some States and other licensing authorities with their highway safety programs. However, in view of NDR's basic objective as stated by the Congress -- to help prevent States from licensing individuals whose driving privileges have been suspended or revoked in other States -- the present system is not effectively accomplishing the intended goals or purpose.

In July 1979, the Safety Board submitted comments to the the Department of Transportation which suggested several NDR improvements for consideration in the Department's NDR evaluation. (See appendix F.) The Safety Board's comments included proposals for an on-line, rapid response pointer system with a capability for direct exchange of driver record information among the States.

In its evaluation of the NDR, the Department of Transportation is studying the need for revision of the system. Among the possible improvements under consideration are:

- 1) Revision of the NDR as a "problem driver pointer system." Instead of duplicating State information regarding a driver's suspension or revocation, this system could simply refer the inquiring State to the State(s) which have records of a driver's suspension or revocation. As a pointer system, the NDR would no longer have to maintain in its files substantive driver information such as the date of, and reason for, a driver's suspension.
- 2) Including in the problem driver pointer system, in addition to drivers whose privilege has been suspended or revoked, drivers who have been convicted of certain serious offenses, including:
  - o alcohol and drug-related driving offenses;
  - o a traffic violation arising in connection with an accident which resulted in a fatality;
  - o failure to stop, render aid, or provide identification when involved in an accident resulting in a fatality or personal injury;
  - o perjury under State statutes related to the ownership or operation of a motor vehicle;
  - o reckless driving; and
  - o racing on highways.
- 3) Conversion to an on-line, rapid response system which would link the NDR to participating States and facilitate direct interstate exchange of driver record information through the NDR communications system.
- 4) Permitting commercial drivers to obtain copies of their NDR records, through State licensing officials, and to furnish them to current or prospective motor carrier employers for the purpose of driver screening.

## STATE DRIVER LICENSING POLICIES

The States are responsible for overseeing the conduct of drivers whom they license by monitoring driver records and denying or withdrawing the driving privilege of problem drivers. Any person applying to a State for a driver license is subject to screening of his or her driving record to determine eligibility under the laws and policies of the State.

Studies done by other organizations and responses from State driver licensing officials to Safety Board inquiries indicate that the degree of adherence to the one-license concept varies greatly among the States, as do State policies regarding exchange of driver records, suspension and revocation of drivers, and treatment of out-of-State convictions. One study, "Involvement of Suspended/Revoked Drivers in Traffic Crashes -- A Statement of the Problem," <sup>15/</sup> concluded:

Insufficient data are available to verify the true driver record of crash-involved drivers because of multiple licensing (both interstate and intrastate), inadequate investigations, and inadequate driver record exchange.

Differences in State driver licensing policies are discussed below.

Adherence to the One-License Concept.--One NHTSA-sponsored study<sup>16/</sup> indicates that many States have not fully implemented the one-license concept, and that some States have laws which are directly contrary to the concept:

Nine states . . . have laws which specifically require a nonresident to hold a chauffeur's license issued by that state before accepting employment from a state resident as a chauffeur. The effect of such a law is to require a chauffeur, under certain circumstances, to be licensed in a state where he does not reside. If such a chauffeur is also licensed in his home state, he would have multiple licenses. These laws very clearly conflict with the one license concept. The nine states are:

Arizona  
Arkansas  
Florida

Idaho  
Iowa  
Oklahoma

Rhode Island  
Tennessee  
West Virginia

In a letter to the Safety Board in response to its one-license concept recommendation, Vermont's Secretary of Transportation described the difficulties presented when a State insists on mandatory licensing of some nonresident drivers:

The one license concept works well in theory, but in practice it does work a hardship on the operators. For example: New Hampshire has the one license concept law and if a resident of New Hampshire is employed in Massachusetts, that state requires an operator's license to be issued by that state to be able to operate motor vehicles in Massachusetts. When New Hampshire issues a license to him, they confiscate the Massachusetts license, then the fellow has no right to

<sup>15/</sup> Report No. DOT-HS-804-104, June 1979.

<sup>16/</sup> John W. English, National Committee on Uniform Traffic Laws and Ordinances, "Classification of Driver's Licenses," Traffic Laws Commentary, Vol. 6, No. 4, National Highway Traffic Safety Administration, April 1977.

operate motor vehicles in Massachusetts. The license is required in the state of residency and many states require a license to operate point to point, or if stationed in that state for employment purposes.

Responses of State driver licensing officials to the Safety Board's one-license concept recommendation and NDR safety objective inquiries indicate that adherence to the one-license concept varies in degree from State to State. For example:

- o Alaska requests surrender of out-of-State licenses but has no statutory authority to require their surrender.
- o Texas is "... in total agreement with your recommendations, .... However, we do not, at the present time, have clear statutory authority to implement the one license concept in its fullest sense, even though we fully agree with the principle."
- o Oklahoma and North Dakota require driver license applicants to surrender any valid out-of-State licenses and request the driver's record from the State which issued the license;
- o Indiana accepts a valid out-of-State license as proof that the driver's status is "clear." The license is sent to the issuing State and Indiana officials are "usually advised" of the driver's record;
- o Missouri's application does not require an applicant to declare an out-of-State license (Missouri is not a member of the Driver License Compact);
- o Kansas and Indiana require that an applicant who is a new resident and does not surrender an out-of-State license obtain a letter from his or her previous State of residence stating that the driver's status is clear; if a license is surrendered, it is considered prima facie evidence of the driver's clear status, and the surrendered license is returned to the State of issue;
- o Montana and Nevada require surrender of an out-of-State license and it is illegal in Montana for a resident to possess more than one valid driver license;
- o Utah and Wyoming require surrender of out-of-State licenses unless special circumstances exist which require the applicant to have a license from another State (usually associated with interstate employment).
- o Massachusetts does not require surrender of out-of-State licenses;
- o Arkansas accepts a valid out-of-State license as evidence that the driver is in good standing in the State of issuance, and the driver's record is not requested.

Exchange of Driver Record Information.--States routinely exchange driver record information with other States, notifying the State of license when a nonresident driver receives a conviction or is involved in an accident, and providing driver record abstracts in response to requests from other States. In some cases, however, exchange of information is restricted by State privacy laws or State policy. Massachusetts, for example, does not routinely request driver record information from other States and does not notify the State of license when a nonresident driver is convicted in Massachusetts.



Restrictions on certain types of information, such as records of accidents, vary a great deal among the States. Missouri and Kansas, for example, do not enter accidents on driver records; Minnesota enters accidents, but deletes them from copies of records which are being sent to requesters; and Illinois enters only alcohol-related accidents in driver records, and deletes these entries from abstracts sent to requesters.

A driver licensing official in Kansas told a Safety Board Investigator that Kansas has difficulty obtaining driver record information from other States because some States do not provide the information requested.

Suspension and Revocation.--All of the States provide in some way for withdrawal (suspension or revocation) or denial of the driving privilege for conviction of a serious traffic violation or a series of violations. Thirty-nine States use traffic violation point systems as a basis for denial or withdrawal, according to a study which examined the point systems of all of the States. <sup>17/</sup> Under point systems, a demerit point value is assigned to each violation of the State's vehicle code, and points are entered and accumulated in the driver's record of convictions. In some States, denial or withdrawal of the driving privilege is mandatory when a driver has accumulated a specified number of points within a specified period of time. Other States provide for denial or withdrawal at the discretion of licensing officials at a designated level of points.

The point systems of most States do not formally specify any difference in their applicability to commercial and noncommercial drivers. However, the point systems study found that the systems of three States expressly allow commercial drivers to accumulate a greater number of points than other drivers before suspension or revocation action may be taken:

- o California allows a licensee who drives 25,000 miles or more per year to accumulate a higher level of points than other drivers before suspension or revocation action may be taken.
- o Colorado allows a higher level of points for a chauffeur-class licensee whose principal duty in the course of employment is the operation of a motor vehicle, if all of the points are accumulated in the course of employment.
- o Maryland allows drivers who are required to drive a motor vehicle in the course of employment to accumulate a higher level of points.

The three States cited are the only States which were found to have laws or regulations formally treating occupational drivers differently from other drivers under their point systems. However, other States which do not have such formal provisions may be giving similar consideration to occupational drivers through the discretionary authority of licensing officials.

Out-of-State Convictions.--The Uniform Vehicle Code, Section 6-106(c), recommends that out-of-State convictions be entered on the driver's record "with the same force and effect" as if they were imposed by the licensing State.

<sup>17/</sup> Williams, Brenda B., National Committee on Uniform Traffic Laws and Ordinances, "Point System Comparison," Traffic Laws Commentary, Vol. 8, No. 2, National Highway Traffic Safety Administration (DOT-HS-803-815), February 1979.

The point systems study found that 22 States specifically authorize point assessment for out-of-State convictions. However, some of these States do so only under certain conditions, or treat out-of-State convictions differently from their own convictions. The study notes, for example, that:

- Hawaii, Indiana, and South Carolina assess points only if there is a reciprocal agreement with the convicting State.
- Illinois assesses points only on convictions covered by the Driver License Compact.
- Kentucky does not assess points on out-of-State speeding convictions.
- West Virginia assesses points on all out-of-State convictions except those of Ohio and Pennsylvania.
- Florida assesses one-half the number of points that would be assessed on the same conviction in Florida.

The point systems study found that four States (Maryland, Nevada, North Carolina, and Ohio) specifically provide that points may not be assessed on out-of-State convictions.

#### THE FEDERAL MOTOR CARRIER SAFETY REGULATIONS

The operation of heavy trucks and other commercial vehicles in interstate commerce is regulated by the Bureau of Motor Carrier Safety in the Department of Transportation's Federal Highway Administration. The mission of the bureau is to prevent or reduce accidents involving commercial vehicles in interstate or foreign commerce and the fatalities, injuries, and property damage which result from accidents. In furtherance of its mission, the bureau administers and enforces the Federal Motor Carrier Safety Regulations, which include provisions pertaining to the qualification and disqualification of commercial drivers and the duties of motor carriers in selecting drivers and periodically reviewing their records.

According to the Federal Highway Administration, the driver qualification/disqualification provisions of the regulations were established because:

. . . the public interest in motor vehicle safety requires . . . hiring as drivers only persons whose records demonstrate their capability for safe operation of heavy vehicles . . . .

\* \* \* \* \*

The overwhelming weight of the available evidence establishes, beyond rational doubt, that a driver's predilection for involvement in serious accidents can frequently be foretold by his past driving record and his general character. Since this is the case, drivers whose records demonstrate that they are likely to cause highway accidents should not continue operating heavy vehicles. 18/

18/ Federal Highway Administration, "Motor Carrier Safety Regulations Amendment No. 10," Docket No. MC-7, Notice 70-5, 35 F.R. 8458-59, April 22, 1970.

The Safety Board reviewed the six sections of the regulations which relate directly to the detection and control of the problem commercial driver. (See appendix G.) These sections: specify what disqualifies a driver and prohibit a motor carrier from permitting or requiring a disqualified driver to operate a commercial vehicle; require the driver to furnish information about his driving record and employment history for the preceding 3 years; and require the motor carrier 19/ to:

- make inquiries to State licensing authorities concerning the driving record of the driver;
- investigate the driver's background and character by contacting former employers; and
- perform annual reviews of the driving record, background, and character of each employed driver and consider this information in screening drivers.

These regulations are described below:

Disqualification of Drivers.--The Federal Motor Carrier Safety Regulations provide that a motor carrier may not permit or require a disqualified driver to operate a commercial vehicle. A driver is disqualified to operate a commercial vehicle if the driver's driving privilege is withdrawn or denied by any State, for the duration of the State's action. A driver is also disqualified, for 1 year, for conviction of certain offenses including:

- driving under the influence of alcohol or drugs;
- a crime involving the knowing transportation, possession, or use of drugs;
- leaving the scene of an accident involving personal injury or death; or
- a felony involving the use of a motor vehicle.

Two convictions of disqualifying offenses within a 3-year period disqualify a driver to operate a commercial vehicle for 3 years.

The disqualifying driving offenses specified in the regulations are only disqualifying if the driver was operating a commercial vehicle at the time of the offense, and only if the driver was on duty at that time. For example, a commercial driver convicted of driving while intoxicated while driving a private car or motorcycle would not be disqualified, nor would a driver be disqualified if he or she were convicted of driving while intoxicated while operating a commercial vehicle off-duty between a terminal and the driver's residence. None of the driver records furnished by the States during the Safety Board's 44 investigations of accidents involving heavy trucks indicated whether or not the driver was on duty when the violation occurred, and out of more than 400 entries on the 44 drivers' records, only 2 entries, both for the same offense ("speeding truck"), indicated the type of vehicle driven.

Also, according to the Federal Highway Administration Interpretations Manual, Chapter VI, Par. 2(g)(2), a license suspension or revocation is only disqualifying if the action was taken against the driver's privilege to operate a commercial vehicle; if a State revokes the driver's privilege to drive a car, but leaves intact the privilege to operate a commercial vehicle, the driver is not disqualified.

19/ An "owner-operator" (a motor carrier who owns and operates his own vehicle) is required to comply with the requirements pertaining to drivers as well as the requirements pertaining to motor carriers.

Unlike State point systems, which provide for withdrawal of the driving privilege when a driver accumulates a specified level of traffic convictions, the Federal Motor Carrier Safety Regulations contain no provision for disqualification of a commercial driver based on the driver's cumulative record of convictions. The Federal Highway Administration once proposed a rule that a driver who accumulates three or more moving violations within 3 years be disqualified. But, in the final rule that provision was deleted because:

It appears that the proposal was too draconian for implementation at this time, in view of the unevenness of motor vehicle law enforcement from State-to-State, and lack of a uniform rule as to what constitutes a moving violation, and the hardships it would work on some drivers. 20/

Application for Employment.--Motor carriers are required to have applicant drivers fill out and sign an employment application which includes a statement of all previous addresses, employers, driver licenses, suspensions, revocations, denials, traffic convictions, and accidents for the preceding 3 years.

Investigations and Inquiries.--The "Investigations and Inquiries" section of the regulations specifies that a motor carrier must, within 30 days after hiring a driver, make a driver record inquiry to each State in which the driver held a license or permit during the preceding 3 years. The motor carrier must maintain a file of responses to driver record inquiries. If a State does not respond, the motor carrier is in compliance with the requirement if it can be shown that the inquiry was made.

The motor carrier must also investigate the driver's employment record during the preceding 3 years by contacting the driver's former employers. The regulation does not specify what information is to be obtained, but the motor carrier is required to maintain a record of the investigations and the "comments" of former employers. Again, the motor carrier is in compliance with this requirement if the required investigations were initiated, even if a former employer of the applicant does not reply.

Notification of License Revocation.--The Federal Motor Carrier Safety Regulations require that a commercial driver who receives a notice that his driving privilege has been suspended, revoked, or withdrawn notify his or her employer by the end of the next business day after the notice is received.

Record of Violations.--A motor carrier must require, and a driver must furnish, at least once every 12 months, a list of all traffic convictions received during the previous 12 months. If the driver was not convicted of any violations during that period, he or she must sign a statement certifying that no convictions have occurred. The motor carrier must keep the list or certificate on file.

Annual Review of Driving Record.--The regulations also require that a motor carrier, at least once every 12 months, review the driving record of each driver it employs. The annual review provisions require that the motor carrier consider the driver's

20/ Federal Highway Administration, "Motor Carrier Safety Regulations Amendment No. 10," Docket No. MC-7, Notice 70-5, 35 F.R. 8458, April 22, 1970.

record of traffic violations and accidents. The requirements, however, do not provide any criteria for determining the level of accidents and violations above which a driver should not be permitted to continue operating a commercial vehicle. The motor carrier is responsible for determining whether or not the driver "meets minimum requirements for safe driving," but the minimum requirements are not specified in the regulation. The only guidance the motor carrier is given is that he must "give great weight to violations, such as speeding, reckless driving, and operating under the influence of alcohol or drugs, that indicate that the driver has exhibited a disregard for the safety of the public."

#### SAFETY BOARD ACCIDENT INVESTIGATION DATA

A total of 44 truckdrivers were involved in the 41 limited investigations and 3 major investigations of accidents involving commercial vehicles conducted by the Safety Board. (See appendix H.) In almost every case, inquiries were made to all or nearly all of the 48 contiguous States to determine the driving record of each driver. This is the only way available to a State or a motor carrier, or to any individual or organization, public or private, to determine the complete, nationwide driving record of a driver -- and in virtually every case investigated by the Safety Board, the process of obtaining and compiling the driver's record took months to complete. When the responses to these inquiries were compiled, the composite records of the 44 drivers listed a total of 63 driver licenses, 98 license suspensions, 60 previous accidents, and 456 traffic convictions. These figures are considered minimum levels, as in some cases complete information was not available due to lack of response to some inquiries, purges of State records, State privacy laws, and the lack of a uniform identifier for drivers. <sup>21/</sup>

#### Multiple Licenses

The Safety Board's investigations documented 11 cases in which the driver held more than one valid driver license at a given time, either at the time of the accident investigated, or within 1 year preceding or following the accident. Of the 44 drivers investigated, 3 drivers held 2 licenses and 8 drivers held 3 licenses, for a total of 30 driver licenses held by these 11 drivers. (See Table 1.)

TABLE 1. Driver Licenses

	<u>Number of Driver Licenses Held</u>			<u>Total</u>
	<u>1</u>	<u>2</u>	<u>3</u>	
Number of Drivers	33	3	8	44
Total Licenses	33	6	24	63

<sup>21/</sup> The current NDR law does not permit the Safety Board to use the NDR in conducting accident investigations. The Safety Board can and does use the NDR, however, for the purpose of screening its own employees who apply for Government driver permits.



### Driver License Suspensions and Revocations

Of the 44 drivers, 27 had records of a total of 98 suspensions. For 17 drivers, no record of suspension or revocation was detected. The highest number of known suspensions accumulated by a single driver was 11, all imposed during a 4-year period. Table 2 shows the distribution of suspensions among the 27 drivers who had current or previous suspensions.

TABLE 2. Driver License Suspensions

	<u>Number of Suspensions</u>											<u>Total</u>	
	<u>None or unknown</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>	<u>8</u>	<u>9</u>	<u>10</u>		<u>11</u>
Number of Drivers	17	8	4	1	6	2	2	2	1	-	-	1	44
Total Suspensions	0	8	8	3	24	10	12	14	8	-	-	11	98

### Accidents

Twenty-six of the 44 drivers had been involved in a total of 60 traffic accidents prior to the accident investigated by the Safety Board. The highest numbers of prior accidents for a single driver were 8 accidents in a 9-year period and 6 accidents in a 3-year period (the accident investigated was this driver's seventh accident in 3 years). Including the accidents investigated by the Safety Board, the total number of accidents for all 44 drivers was 104. (See Table 3.)

TABLE 3. Accidents

	<u>Number of Accidents</u>								<u>Total</u>
	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>	<u>8</u>	
Number of Drivers	18	10	7	5	2	0	1	1	44
Total Accidents*	18	20	21	20	10	0	7	8	104

\*Includes the accidents investigated by the Safety Board and previous accidents.

The 44 accidents investigated by the Safety Board resulted in 51 fatalities and 95 injuries. Thirty-four of the accidents resulted in 1 or more fatalities and 10 accidents were not fatal. Police investigation reports listed improper truckdriver action as a causal factor in every case except one; the exceptional case involved no fatalities or injuries.

#### Traffic Convictions

All of the drivers investigated had records of at least 2 and as many as 41 traffic convictions. The total number of known convictions of the 44 drivers was 456. The highest numbers of convictions recorded were 41 in a 17-year period; 33 in a 7-year period; and 28 in a 5-year period. These figures do not account for differences between relatively less-serious and more-serious violations (some drivers, for example, had multiple convictions for driving under the influence of alcohol). The most common violation was speeding -- more than 60 percent of the total convictions of the 44 drivers were for speeding. (See Table 4.)

TABLE 4. Total Convictions, By Type  
For All Drivers Investigated

<u>Violation Type</u>	<u>Number of Convictions</u>
Speeding	280
Failure to Obey Traffic Signal or Stop/Yield Sign	36
Reckless Driving	17
Driving While License Suspended/ Revoked	12
Improper Turn or Failure to Give Proper Signal	12
Driving While Intoxicated or Under Influence of Alcohol or Drugs	10
Driving Without a License or in Violation of License Classification	9
Improper Lane Change or Driving in Improper Lane	8
Illegal/Improper Passing	7
Following too Close	6
Failure to Yield Right-of-Way	6
Improper Lights	6
Driving on Wrong Side of Road or Wrong Way on One-Way Street	4
Miscellaneous	43
<b>Total</b>	<b>456</b>

Fewer than 7 percent of the total convictions of the 44 drivers were for the serious offenses which the Department of Transportation was considering as possible criteria for including drivers in the NDR file.

### SELECTED PROBLEM DRIVER CASE HISTORIES

Following are driver histories of several of the commercial drivers who were involved in heavy truck accidents investigated by the Safety Board. The cases selected were chosen not because they are necessarily representative or typical, but because they provide graphic examples of the ways in which some problem drivers are able to evade detection and control.

There are also a great many commercial drivers who have excellent records of safe driving. American Trucking Associations, Inc., an industry group, recognizes 150,000 professional truckdrivers with awards every year for their outstanding safety records. Since 1930, the National Safety Council has presented several million "Safe Driver Awards" to commercial drivers. Because the Safety Board's evaluation focused specifically on problem commercial drivers, the case histories below do not reflect the safety achievements of the millions of commercial drivers who are not problem drivers.

#### Hanover, Virginia

On December 17, 1978, a tractor-semitrailer was attempting to make a left turn on a red light from Virginia State Route 30 into a truck plaza when it collided with a car entering the intersection on a green light. The car's driver was seriously injured and the truckdriver and a passenger in the car received minor injuries.

The Safety Board's investigation of the truckdriver's driving record revealed that his driving privilege was suspended by both Florida and New Jersey at the time of the accident, and he had nine other suspensions in the 4 years preceding the accident. His record at that time also included 13 traffic convictions in the 6 years preceding the accident. Although his driving privilege remained suspended in two States, the truckdriver continued to drive after the accident, accumulating five more violations in the next 10 months for speeding on Florida highways.

Because the truckdriver is an "owner-operator" (a motor carrier who owns and operates his own vehicle), he is required to comply with the Federal Motor Carrier Safety Regulation requirements for motor carriers as well as the requirements for drivers. In other words, the owner-operator is required to screen his own driving record.

#### Lynchburg, Virginia

On March 9, 1972, a tractor/cargo tank semitrailer overturned during severe steering maneuvers as the driver attempted to steer the vehicle back into the proper traffic lane. The semitrailer struck a rock embankment, rupturing the tank shell, and the cargo of propane escaped, vaporized, and ignited. The truckdriver and another person were killed, 5 others were injured, and a house and 12 acres of woodland were destroyed in the explosion and fire.

The truckdriver held two driver licenses issued by the States of New York and North Carolina, respectively. The investigation revealed that both of the licenses, as well as a previous license from another State, had been obtained by falsifying information on license applications. The driver had not listed any suspensions, violations, or accidents on any of the three applications. In a 4-year period, the driver had four accidents, six traffic violations, and one suspension. The suspension, two violations, and two accidents were listed in his employment application, but the employing motor carrier, after reviewing the driver's application and his driving record in the States listed in the application, had hired the driver.

Warfordsburg, Pennsylvania

On May 5, 1979, a truck tractor towing a trailer was traveling at a high rate of speed on Interstate Route 70 near Warfordsburg, Pennsylvania, when the tractor's right front tire blew out. The driver lost control of the vehicle, which went off the road and mounted a guardrail for a distance of 50 feet, until it struck an embankment and rolled onto its side. The driver and one passenger were killed and a second passenger, a hitchhiker whom the driver had picked up, was injured.

The driver was operating under a trip-lease arrangement which had not been authorized by the permanent lessee, and neither passenger was authorized by the lessee to ride in the truck-tractor.

The Safety Board's investigation revealed that the truckdriver held two driver licenses, one issued by the State of Maryland and one by the State of Texas, at the time of the accident. For an 8-month period between December 1977 and July 1978 the driver had held three driver licenses, including the two from Maryland and Texas, respectively, and one issued by the State of North Carolina. The truckdriver's driving history included 3 suspensions of his driving privilege (2 by Maryland and 1 by Indiana) within a 3-year period, and 23 traffic convictions between February 1974 and May 1979.

The truckdriver's first known conviction occurred in February 1974 in Maryland. As a result of four subsequent convictions during the next 8 months, Maryland's Motor Vehicle Administration sent the driver a warning that he was accumulating a high level of traffic violation points. When the driver received six more convictions in the 7 months after the warning, he was requested to appear at a hearing in February 1976. The driver failed to appear at the hearing and his driving privilege was suspended. Two weeks before the driver was suspended, he applied for and was issued a driver license in North Carolina. Subsequently, he was convicted of two moving violations in North Carolina. Meanwhile, Maryland initiated an investigation to secure the driver's suspended Maryland license, but authorities were unable to locate him.

On June 10, 1977, the driver applied for and was issued a duplicate license by North Carolina. One month later, on July 12, 1977, he presented one of his two North Carolina licenses in Texas in order to obtain a Texas driver license.

The driver's suspended Maryland license expired on July 30, 1976. On December 8, 1977, he applied for a new Maryland license, presenting his North Carolina license. After the driver's record was checked and he received a reprimand at a hearing, he was issued a Maryland license the same day. During the following 12 months, he accumulated 13 moving violation points in Maryland and convictions in Indiana, Ohio, and Pennsylvania.

On January 10, 1979, the driver was scheduled to appear at a license hearing in Maryland because he had accumulated a level of points for which a driver would normally be suspended. Because he was an occupational driver, however, he was permitted to keep his license and was put on probation.

The motor carrier who employed the driver had checked his employment and driving record through an investigative agency which specializes in such inquiries, and received a report that the driver had no traffic convictions. The driver had kept his Texas license free of violations by using one of his other licenses whenever he was stopped for a violation, and he reported only the "clean" Texas license to the motor carrier.

Buffalo, Missouri

On November 5, 1977, the driver of a tractor-semitrailer was attempting to exit from a commercial driveway and enter a two-lane highway without signalling when his vehicle was struck by a pickup truck/camper. The driver of the pickup truck was killed and the tractor-semitrailer driver and an occupant in the pickup truck were injured.

From 1968 to 1977, the tractor-semitrailer driver had 10 traffic convictions and had his license suspended 4 times by the State of Missouri. Since 1977, the driver had two additional convictions and was under suspension in Missouri at the time of the accident. The employing motor carrier had hired the driver after checking his driving record with previous employers and the State of Missouri.

Winthrop, Iowa

On May 2, 1978, a tractor-cargo tank semitrailer failed to negotiate a curve, jackknifed, and rolled onto a railroad track with anhydrous ammonia (a toxic chemical) leaking from the damaged cargo tank. The truckdriver was injured and two passengers in the cab were killed.

The driver held an Iowa driver license which contained a restriction prohibiting the driver from operating a tractor-trailer combination vehicle. From 1973 to 1979 (including the period between the accident and the completion of the investigation), the driver had 18 traffic convictions and 6 license suspensions, and from 1977 to 1979 he was involved in 4 traffic accidents. Six of the driver's violations occurred after the accident investigated by the Safety Board, three of them for driving while his license was suspended or revoked.

The employing motor carrier had made the required investigations and inquiries and was in compliance with the driver qualification and recordskeeping requirements of the Federal Motor Carrier Safety Regulations. The investigation revealed that because the driver did not report all of his traffic convictions for the previous 3 years on his employment application, the motor carrier was unable to detect the driver's complete driving record.

Ocala, Florida

On March 20, 1978, a truck collided with a tractor-semitrailer at an intersection. No one was killed or injured, and damage to the vehicles was minor. Police reports did not list any improper driver actions by the driver of the tractor-semitrailer. However, the driving record of the 30-year-old tractor-semitrailer driver indicated that he held three licenses at the time of the accident--one issued by the State of Georgia, one issued by Louisiana, and one issued by Florida. The Louisiana and Georgia licenses were both under suspension for a conviction of driving under the influence of alcohol.

The driver's record, compiled from responses to inquiries made to all of the States, listed 26 traffic convictions in 6 States, and 1 previous accident. In interviews, the driver recounted at least six convictions and one accident which were not listed in records received from the States.

When he was interviewed a year after the Ocala accident, the driver stated that before moving to Georgia in 1966, he had held three driver licenses at different times -- one from North Dakota, one from Minnesota (motorcycle only), and one from Illinois (which had been suspended for a conviction of driving under the influence of alcohol). In Georgia, he obtained an operator's license and had it converted to a chauffeur's license.



In April 1977, the driver was convicted in Georgia of driving under the influence of alcohol and his license was suspended. He stated that, because he expected to be required to surrender his suspended license, he decided to obtain a license in another State. In order to do that, he first obtained a second (duplicate) license from the State of Georgia by stating that he had physically lost the original license. The duplicate license was issued, giving him two Georgia driver licenses. The following month he went to Louisiana and by falsely reporting his address and his previous traffic violations he obtained a license to operate a combination vehicle. He surrendered his duplicate Georgia license to the Louisiana license examiner as proof of driver qualification.

Because the driver realized that Louisiana authorities might request his driving record from Georgia, discover his suspension, and require him to surrender his Louisiana license, he decided to obtain a license in a third State. Accompanied by a friend (who vouched for him), he went to Florida to apply for a license. When he applied, the driver signed a statement that he was employed by a trucking company in Florida and needed a chauffeur's license from that State, and that he couldn't surrender his Louisiana license because he still lived in Louisiana (actually, he never lived there). He falsely reported his record of convictions, was issued a Florida chauffeur's license, and was permitted to keep his Louisiana license -- although by that time his driving privilege was also suspended by Louisiana.

When he was questioned later about why he provided false or incomplete information in his Florida license application, the driver said that "they wouldn't have given me the Florida license if I had marked that I was under suspension."

In followup inquiries to the licensing authorities involved, Safety Board investigators learned that Georgia routinely checks all license applicants through the NDR, but licensing officials could not determine whether the subject driver had been checked because driver records had been purged.

Louisiana officials did check on the driver through the NDR, obtained his Georgia record, and on that basis suspended his Louisiana license. Florida licensing authorities made no inquiries to the NDR, to Georgia, or to Louisiana, and the driver's Florida license remained valid. The investigation revealed that the driver also had records of traffic convictions in Arizona (including driving under the influence of alcohol), California, and Virginia, but those violations did not appear in the records of the States in which he had been issued licenses.

Before the Ocala, Florida, accident, the driver had driven tractor-trailer combination vehicles for four different motor carriers. His most recent employer, who hired him 8 months after the accident, did not maintain the driver qualification files required by the Federal Motor Carrier Safety Regulations. This motor carrier had no record of an employment application or the investigations and inquiries required by the regulations.

The States of Georgia and Louisiana had sent letters to the driver, requesting that he surrender his licenses in those States, but he had not done so. In the 11 months following the accident, the driver was convicted four times for speeding (in Alabama, California, Mississippi, and Florida).

When he was interviewed in April 1979, the driver said that because of the Safety Board's interest in his case, he was afraid that State authorities might take away the three licenses he holds (Georgia, Louisiana, and Florida). He told a Safety Board investigator that he was considering going to another State to get a license so he will have an extra one if he needs it.

Lincoln, Nebraska

On October 1, 1978, a truckdriver was driving a truck-tractor/semi-trailer westbound on U.S. Highway 34 in Lincoln, Nebraska. Several seconds before the truck reached the 56th Street intersection, the traffic light at the intersection turned red. A witness reported hearing the truck's motor accelerating as it approached the intersection. When the light turned green for north-south traffic, a southbound passenger car, which had been stopped at the light, entered the intersection and was struck by the tractor-semi-trailer. The passenger car was spun around, struck a curb and rolled backward before it came to rest 142 feet from the intersection on a highway median. The driver of the passenger car, a 61-year-old woman, was killed. The truckdriver was convicted of motor vehicle homicide as a result of the accident.

At the time of the accident, the truckdriver's driving privilege was suspended by the States of Alabama and Arkansas. The driver's record for the 3 years preceding the accident included 10 traffic convictions in 8 States (including 2 convictions of driving while intoxicated), 3 suspensions, and 3 previous accidents.

The truckdriver received a chauffeur's license in Arkansas in 1970, but due to Arkansas' policy of purging driver records of violations more than 3 years old, no record prior to 1976 could be obtained in that State. The driver's first known violation occurred in Alabama in 1975 for speeding. The driver failed to appear for the court hearing and, although he was not licensed by Alabama, his driving privilege in that State was suspended indefinitely.

In 1976 the driver was convicted of four speeding violations in four States (Ohio, New Mexico, Oklahoma, and Illinois). He was also involved in an accident in Arkansas in October 1976.

In January 1977 the driver was involved in an accident in Arkansas while driving while intoxicated. Arkansas records list this as the driver's second conviction of that offense (the first conviction was either never listed in driving records or was purged from the records). Because of the second conviction of driving while intoxicated, the driver's license was suspended for 3 months. Within 1 month after the driver's license was reinstated, he was convicted of speeding in Arkansas. The driver's Arkansas chauffeur's license was renewed in October 1977, although an inquiry to the NDR at the time of renewal indicated the driver's suspension in Alabama.

In January 1978, the Arkansas license was suspended for making a fraudulent license application. The suspension was for a 9 1/2-month period ending October 26, 1978. During that suspension, the driver obtained a commercial driver license from the State of Texas, was hired by a motor carrier, and was convicted of speeding in Arkansas and improper passing in Colorado. The driver surrendered his Arkansas chauffeur's license when the Texas license was issued in April 1978. Texas officials reported that the NDR was checked and no identification was made. Texas officials did not request the driver's record from Arkansas.

When the driver was hired by a motor carrier in August 1978, his driving privilege was suspended (by both Arkansas and Alabama). Although the driver's record for the previous 3 years included 3 suspensions, 10 traffic convictions, and 3 accidents, the driver listed only 1 of these items in his employment application (a speeding conviction in Ohio). The motor carrier made an inquiry to Texas, the driver's State of license, and received a report that the driver's record was clear. The driver was hired.

Within 2 months after he was hired, the driver was involved in the fatal accident at Lincoln, Nebraska. Two months later he was convicted in Nebraska of motor vehicle homicide as a result of the accident. Six days after his conviction, the State of Arkansas, which had terminated the driver's suspension for fraudulent application, sent the driver a warning about his high violations point level.

After the accident the driver continued to evade detection of his complete driving record. In January 1979, the driver applied for and was issued a Nebraska chauffeur's license. Because the driver was licensed in Texas at the time of the fatal Lincoln, Nebraska, accident, and because Nebraska does not maintain driver records on out-of-State drivers, when the driver applied for a Nebraska license there was no driver record of his motor vehicle homicide conviction in that State. The driver stated in his Nebraska application that he had previously held an Arkansas license, but that he had "lost" it. He did not list his Texas license in the application. Nebraska did not request an NDR check, and did not attempt to check with the State of Arkansas before issuing the driver a Nebraska license. A Nebraska driver records official told a Safety Board investigator that license actions by other States are not considered by Nebraska for purposes of license denials because of compatibility problems in matching the reason for a suspension, and the duration of a suspension, to Nebraska's code.

The truckdriver's status in the State of Nebraska as of April 24, 1979, was still "clear." However, licensing officials expressed interest in the driver's involvement in the fatal Lincoln, Nebraska, accident and his subsequent motor vehicle homicide conviction, and stated that they intended to check the State's court records.

A Safety Board inquiry to the Texas Department of Public Safety indicated that the driver's status in that State as of April 24, 1979, was still "clear."

#### ANALYSIS

The three levels of screening of commercial drivers form a system which should operate to identify problem commercial drivers and to remove them from the highways through denial or withdrawal of the driving privilege and commercial employment. The system should also operate as a deterrent to unsafe driving behavior. However, the information developed by the Safety Board in 44 investigations of heavy truck accidents indicates that the system is not operating as effectively as it should to protect highway users from unsafe commercial drivers. Consequently, the existing detection and control system may have no real deterrent effect on the unsafe operation of heavy vehicles by commercial drivers.

The most conspicuous defect in the system for detecting and controlling problem commercial drivers is its failure to provide an effective means of determining a driver's actual nationwide driving record. In addition, loopholes at each level of the system--the NDR, State driver licensing policies, and the Federal Motor Carrier Safety Regulations--permit some problem drivers to obtain driver licenses and employment to operate heavy commercial vehicles in spite of their records of unsafe driving. These limitations of the system make it relatively easy for a problem commercial driver to escape the sanctions provided by the system--denial or withdrawal of the driving privilege and/or commercial employment--because:

-- the problem commercial driver has a good chance that his or her complete driving record may not be detected;

- even if the driver's actual record is detected, it may not result in imposition of sanctions;
- even if sanctions are imposed, the driver can simply obtain a new driver license from another State (and change jobs, if necessary) and continue operating heavy trucks.

In terms of sanctions the commercial driver, particularly one whose traffic fines are paid by the employer, may have little or nothing to lose in violating traffic safety laws.

A fundamental requirement of effective commercial driver screening is that the States and motor carriers have accurate, complete driver record information on which to base licensing or employment decisions. The existing system, while requiring screening of the driving records of commercial drivers, does not provide a timely and effective means of determining a driver's actual, complete driving record. The problem is not that adequate driver record information is not available. Driver licensing jurisdictions have elaborate systems of driver records. The problem is that there is no single mechanism for determining which of the 56 driver licensing jurisdictions may have driver records pertaining to a particular driver. As a result, the States and motor carriers must rely heavily on information provided by drivers in order to locate their driver records. The Safety Board's accident investigations have shown that this reliance on drivers makes it simple for a problem driver to escape detection of his or her actual driving record and to escape effective control by fraudulently reporting driver record information to State driver licensing authorities and employing motor carriers.

The Safety Board believes that more effective detection and control of problem commercial drivers can help to reduce the extremely high levels of heavy truck accidents and resulting fatalities. To accomplish such a reduction, improvements are needed at each level of the system for detecting and controlling problem commercial drivers — the NDR, the States, and the Federal Motor Carrier Safety Regulation requiring driver screening by motor carriers.

#### Improving the National Driver Register

The Safety Board has identified the need for motor carrier access to NDR information, through State driver licensing authorities, for the purpose of screening the driving records of applicant and employed commercial drivers. In its NDR evaluation, the Department of Transportation is considering the possibility of legislation which would permit commercial drivers to request an NDR report through a State and furnish the report to a prospective or current employing motor carrier.

The Safety Board believes that driver record information used in motor carrier screening should be obtained directly from an official source. A serious limitation of the current system is its reliance on the driver for driver record information, which permits unscrupulous drivers to escape detection of their actual driving records by reporting fraudulent information to States and motor carriers. Requiring motor carriers to obtain NDR reports through drivers could perpetuate this problem, because motor carriers would have no practical way to authenticate reports furnished by drivers. The Safety Board believes that privacy and consumer information considerations can be addressed without continued dependence on the driver whose record is being screened as the primary determinant of what driver record information the employing motor carrier will obtain. Colleges and universities, for example, generally will accept transcripts of grades directly from school authorities only, and will not accept them from students. However, the approval of the student is required before a transcript may be released by school authorities, and the student may also obtain a copy of his or her transcript upon request.



While motor carrier access to NDR information is a significant improvement which should be implemented as soon as possible, it would not fully solve the problem of locating driver records. The information in the existing NDR file is limited to records of denials and withdrawals of the driving privilege. A problem driver who has traffic records spread among several States, but whose driving privilege has not been suspended, would not be listed in the NDR file. Even with access to NDR reports, a motor carrier would not be able to detect the driver's convictions.

One alternative being considered by the Department of Transportation is the inclusion of certain serious offenses as a basis for listing drivers in a revised NDR problem driver pointer system. This improvement would increase the number of problem drivers identified to the States by the NDR. However, even on that basis many problem commercial drivers still would not meet the criteria for inclusion in the NDR. Fewer than 8 percent of the total traffic convictions of the 44 problem commercial drivers investigated by the Safety Board were for the serious offenses being considered as criteria for including drivers in the NDR file. Speeding, one of the offenses not included among the serious offenses under consideration, accounted for more than 60 percent of the total convictions of the 44 problem commercial drivers investigated. Speeding is also one of three violations specified in the Federal Motor Carrier Safety Regulations as examples of offenses which motor carriers are required to give great weight to in annual reviews of driver records.

The major obstacle to effective detection of problem commercial drivers is the lack of a system for locating driver records. The Safety Board believes that this problem should be addressed fully, rather than with half-way measures. The NDR can meet the need by revision not as a problem driver pointer system, but as a driver records pointer system which could refer an inquiring State to the States in which a driver has any record of a conviction or a license denial or withdrawal. In this way the NDR could overcome the current inability to determine which jurisdictions may have records pertaining to a driver.

Another improvement under consideration by the Department of Transportation is the conversion of the NDR to an on-line, rapid response inquiry service which would also facilitate interstate exchange of driver record information by switching an inquiring State, electronically, to States which have records pertaining to a driver. The Safety Board believes that this improvement is the most important single step to encourage more effective participation in the NDR by the States. Since the NDR was established, most States have computerized their driver records systems and provided for over-the-counter issuance of driver licenses. Currently, the NDR service does not adequately meet the needs of these States because an applicant has already been issued a license before an NDR report can be obtained. Most of the States have asked for an on-line, rapid response service which will permit them to check the NDR before issuing a driver license over-the-counter. A rapid response service which would enable a State to check a driver's nationwide driving record through an NDR switching service would also significantly enhance the interstate exchange of driver record information.

#### Improving State Driver Licensing Policies

The States are responsible for overseeing the conduct of drivers whom they license by monitoring driver records and denying or withdrawing the driving privilege of problem drivers. Driver licensing policies vary widely from State to State, however, and in many cases State practices contain loopholes which permit problem commercial drivers to continue operating heavy trucks.



Besides participating fully in the NDR program, the most important action the States can take to improve detection and control of problem commercial drivers is to insure that their driver licensing practices conform fully to the one-license concept. Because many States do not adhere fully to the concept, problem commercial drivers are able to obtain multiple licenses, which enable them to spread traffic violation points among several States to escape detection of their actual driving records, or to continue driving heavy commercial vehicles, using a second or third license, even after one State withdraws their driving privilege.

Highway Safety Program Standard No. 5, "Driver Licensing," requires the States to insure that each driver holds only one driver license. Although the Secretary of Transportation has authority to enforce the standard, the Secretary is not required to require compliance with the standard, or with every element of the standard, in every State. The Safety Board believes that the Secretary should develop a positive incentive to encourage the States to fully implement the one-license concept.

One problem in enforcing the one-license concept is that some States require that nonresident commercial drivers obtain a driver license in the State in which they are employed, in addition to the license required by their State of residence. The Safety Board believes that these States should abolish this requirement. A State could, if it deemed it necessary, establish an alternate means of controlling these drivers which would not require commercial drivers to hold more than one driver license.

The Safety Board believes that States having policies which permit commercial drivers to accumulate a higher level of violations than other drivers before the driving privilege may be withdrawn should review their policies. Commercial drivers should be required to meet safety standards which are at least as high as the standards applied to noncommercial drivers. Driving a heavy truck on the highways is not a right. It is a privilege which entails a serious responsibility, and should be given only to drivers who can drive safely. It can be argued that, because a commercial driver travels more miles per year than a noncommercial driver, his rate of violations per miles driven per year is lower than the rate for a noncommercial driver with the same level of violations. However, each traffic safety violation increases the potential for an accident -- and in the case of heavy trucks, a potentially serious accident. It is precisely because commercial drivers spend a great deal of time driving heavy vehicles on the highways that they must be the safest drivers.

Improvements are also needed in State practices concerning the exchange of driver record information and treatment of out-of-State convictions and suspensions. States which are aware that a driver has a record in another State but do not request driver records are ignoring important information which could help to identify problem drivers. In States which apply a compatibility test in determining whether or not an out-of-State conviction or suspension will be honored, the test used should be reviewed to insure that it is not so strict that it permits problem commercial drivers to start with a clean slate by obtaining a new license. And when a State convicts an out-of-State driver, it should notify the State of license so the conviction can be included in the driver's record.

#### Improving the Federal Motor Carrier Safety Regulations

Analysis of the Federal Motor Carrier Safety Regulation indicates that even if the motor carrier complies fully with each of the driver screening requirements, the disqualified or problem driver may still escape detection and obtain employment as a commercial driver. The major obstacle to the effectiveness of the regulations is the lack of a single source from which the motor carrier can obtain either the driver's complete driving record or a list of all States where the driver's records are located. Detection of

the problem driver consequently relies heavily upon information furnished by the driver, who is unlikely to provide information which may lead to denial or termination of employment. Moreover, to the extent that the regulations fail to establish driver disqualification criteria which are based upon the total number and relative seriousness of the driver's violations, a portion of the public responsibility for a critical highway safety decision is, in effect, delegated to the private motor carrier.

The only way a motor carrier can positively determine a driver's complete driving record is to send inquiries to all of the States -- a practice which would be impractical for a motor carrier to follow and difficult for the States to handle if all motor carriers made such blanket inquiries. Consequently, the motor carrier can be reasonably expected to send inquiries only to the States which the driver lists as those in which he has lived or held a license. Although commercial drivers in interstate commerce may travel through many States, their out-of-State violations are not likely to be detected by a motor carrier unless the driver reports them. Evading detection is especially easy if the driver holds multiple licenses, which enable the spreading of violations among records in two or more States. For these reasons, motor carrier access to NDR information and the other NDR improvements discussed above are essential to the accomplishment of effective driver screening by motor carriers.

Unlike the States, which use traffic violation point systems to identify problem drivers, the Federal Motor Carrier Safety Regulations do not provide for disqualification of drivers based on their cumulative record of violations. This is a loophole which permits a problem driver who is not detected and suspended by a State to remain qualified to operate a commercial vehicle even if the motor carrier is aware of the driver's actual record. The States may not always suspend the licenses of such drivers because they are not always able to detect a driver's convictions by other States -- and in some cases convictions by other States are not considered even if a State is aware of them. Relying on motor carriers to discharge or deny employment to such drivers, in the absence of specific traffic record disqualification criteria, does not appear to be effective, and it subjects commercial drivers to arbitrary, nonuniform, or inadequate safety standards. The determination of whether a commercial driver "meets minimum requirements for safe driving" should be made based upon specific, minimum criteria, similar to State point systems, set forth in the regulations.

Another serious loophole in the Federal Motor Carrier Safety Regulations is that the disqualifying driving offenses specified are only disqualifying if the driver was on duty and operating a commercial vehicle at the time of the offense. This loophole should be closed by eliminating the exclusion of offenses committed while the driver is off duty or driving another type of highway vehicle. The Safety Board believes that a driver who cannot operate a private car safely should not be allowed behind the wheel of an 80,000-pound tractor-semitrailer.

The regulations require that motor carriers investigate a driver's background by contacting former employers, but do not specify what information should be requested. The adequacy of compliance with such a requirement cannot be determined in the absence of any statement of what specific minimum information the motor carrier is required to request. The Safety Board believes that the regulations should fully define the requirements they impose on motor carriers.

Of course, the Federal Motor Carrier Safety Regulations can be effective in controlling problem commercial drivers only if motor carriers comply with the requirements. The Safety Board found that in several of the accident cases investigated, the employing motor carrier either did not make the required inquiries into driver records, or inquiries made by the carrier revealed that a driver was under suspension,

but the motor carrier hired the driver anyway--in direct violation of the Federal Motor Carrier Safety Regulations. This information indicates the need for evaluation of motor carrier compliance with the regulations pertaining to driver disqualification and screening of the driving records of applicant and employed drivers.

Finally, the provision of the Federal Motor Carrier Safety Regulations which charges motor carriers who are owner-operators with screening their own driving records may not be a sufficient check on those owner-operators who are themselves problem drivers. In two of the accident cases investigated by the Safety Board, owner-operators continued driving heavy trucks while they were disqualified. The compliance of owner-operators with the Federal Motor Carrier Safety Regulations pertaining to qualification and disqualification of drivers should be evaluated to determine the adequacy of the self-screening requirement.

### CONCLUSIONS

1. The existing system for detection and control of problem commercial drivers is not operating as effectively as it should to keep unsafe commercial drivers from driving heavy trucks on the highway.
2. State driver licensing officials and motor carriers have no effective means to determine which of the 56 driver licensing jurisdictions may have records pertaining to an applicant for a driver license or commercial employment.
3. The current system for detection and control of problem commercial drivers relies heavily on information furnished by the driver in the screening of applicants for driver licenses and commercial employment.
4. Loopholes at each level of the system for detection and control of problem commercial drivers -- the National Driver Register, State driver licensing policies, and the Federal Motor Carrier Safety Regulations -- permit many problem drivers to escape detection and control, and obtain driver licenses and employment to operate heavy trucks, in spite of their records of unsafe driving.
5. Many States do not participate fully in the NDR in either the submission or retrieval of data, which limits their ability, and the ability of other States, to identify and control problem commercial drivers.
6. For most States the normal NDR response time of 10 to 14 days is too slow because an NDR report is not received until after a driver license has been issued to an applicant.
7. Some States do not participate fully in the NDR because the reliability of NDR information is impaired by the failure of some States to update information on drivers whose driving privilege has been restored.
8. Many States either do not comply, or do not comply fully, with the provisions of the one-license concept, thereby permitting some problem commercial drivers to hold licenses from more than one State at the same time, enabling them to spread traffic violation points to avoid suspension, or to continue driving, using a second or third license, even after a suspension has been imposed.
9. Some States permit commercial drivers to accumulate a higher level of traffic violation points than other drivers before a suspension may be imposed, which results in a lower standard of safety for commercial drivers.

10. Some States do not give effect to suspensions, revocations, or traffic convictions imposed on a driver by other States, or consider them only under certain conditions--thereby disregarding a portion of their driving records.
11. Some problem commercial drivers are able to obtain a driver license by default and start over again with a clean slate, regardless of their previous driving records, because some States do not attempt to determine a driver license applicant's driving record in other States, and some States do not furnish driver record information to other States, or limit the information which is provided.
12. The Federal Motor Carrier Safety Regulations permit a driver who commits a specified disqualifying offense to escape disqualification if the driver was driving a noncommercial vehicle, or was driving a commercial vehicle off-duty, at the time of the offense.
13. To the extent that they fail to specify driver disqualification criteria which are based upon the total number and relative seriousness of a driver's traffic violations, the Federal Motor Carrier Safety Regulations, in effect, delegate a portion of the Federal responsibility for a highway safety decision to private motor carriers, resulting in application of arbitrary, nonuniform, or inadequate safety standards to commercial drivers.
14. The Federal Motor Carrier Safety Regulations require a motor carrier to investigate the background of driver applicants by contacting the applicant's former employers, but the regulations do not define the information a motor carrier is required to request.
15. The provision of the Federal Motor Carrier Safety Regulations which requires drivers who are owner-operators to screen their own driving records and determine qualification or disqualification to operate commercial vehicles may not be effective.

#### RECOMMENDATIONS

The Safety Board recommends to the Congress that the National Driver Register be authorized to provide:

- 1) A driver records pointer service which will refer inquiring users to any State(s) in which a commercial driver has a record of any conviction of a moving traffic violation or a denial or withdrawal of the driving privilege. In order to assure the application of uniform criteria for notifying the National Driver Register of the existence of such records, only the Secretary of Transportation should be authorized to determine what constitutes a moving violation for the purposes of the National Driver Register.
- 2) An on-line, rapid response service to authorized users.
- 3) An automated switching service which will facilitate the direct exchange of driver record information among the States electronically, via an on-line communications network.
- 4) Motor carrier access to the National Driver Register service, through State driver licensing authorities, for the purpose of screening the driving records of both applicant and employed commercial drivers.

**The Safety Board recommends to the Secretary of Transportation:**

**Develop, within 1 year, a positive incentive to encourage the States to implement fully the one-license provision of Highway Safety Program Standard No. 5, "Driver Licensing." (Class II, Priority Action) (H-80-14)**

**The Safety Board recommends to the Governors and the Presiding Officers of the legislative bodies of Arizona, Arkansas, Florida, Idaho, Iowa, Oklahoma, Rhode Island, Tennessee, and West Virginia:**

**Take the legislative and executive actions necessary to abolish the requirement in your State that a nonresident driver who is employed by a resident of the State obtain a driver license issued by the State. (Class II, Priority Action) (H-80-15)**

**The Safety Board reiterates its recommendation of June 6, 1978, to the Governors of the Fifty States, that each State:**

**Review its driver license program(s) to insure that it conforms to the one-license concept and the driver improvement program suggested by Highway Safety Program Standard 5, Driver Licensing, and by the guidelines set forth in Chapter 6 of the Uniform Vehicle Code. (Class I, Urgent Action) (H-78-45)**

**The Safety Board recommends to the Federal Highway Administration:**

**Revise the commercial driver disqualification provisions of the Federal Motor Carrier Safety Regulations to provide that the specified disqualifying driving offenses shall be disqualifying without regard to the type of highway vehicle driven at the time of the offense or whether the driver was on or off duty. (Class II, Priority Action) (H-80-16)**

**Evaluate the need for, and feasibility of, specifying in the Federal Motor Carrier Safety Regulations a level of traffic violations, based upon the total number and relative seriousness of the violations, above which a driver is disqualified to operate a commercial vehicle, and within 1 year publish the findings of the evaluation in the Federal Register for public comment or initiate appropriate rulemaking. (Class II, Priority Action) (H-80-17)**

**Evaluate the compliance of motor carriers with the Federal Motor Carrier Safety Regulations requirements pertaining to driver disqualification, driver screening, annual review of driving records, and maintenance of driver qualification files, and within 1 year publish the findings of the evaluation in the Federal Register for public comment or initiate appropriate rulemaking. (Class II, Priority Action) (H-80-18)**

**Evaluate the compliance of motor carriers who are owner-operators with the driver record review and driver disqualification provisions of the Federal Motor Carrier Safety Regulations, and within 1 year publish the findings of the evaluation in the Federal Register for public comment or initiate appropriate rulemaking. (Class II, Priority Action) (H-80-19)**

**Define fully, in the Federal Motor Carrier Safety Regulations, the information that a motor carrier must request from an applicant driver's former employer(s) when making the investigations and inquiries required by the regulations. (Class II, Priority Action) (H-80-20)**



BY THE NATIONAL TRANSPORTATION SAFETY BOARD

/s/ JAMES B. KING  
Chairman

/s/ ELWOOD T. DRIVER  
Vice Chairman

/s/ FRANCIS H. McADAMS  
Member

/s/ G. H. PATRICK BURSLEY  
Member

PATRICIA A. GOLDMAN, Member, did not participate.

February 15, 1980

## APPENDIX A

### Uniform Vehicle Code One-License Provisions

#### CHAPTER 6

##### Drivers' Licenses<sup>1</sup>

#### ARTICLE I—ISSUANCE OF LICENSES, EXPIRATION AND RENEWAL (REVISED, 1968.)<sup>2</sup>

##### § 6-101.—Drivers must be licensed

(a) No person, except those hereinafter expressly exempted, shall drive any motor vehicle<sup>3</sup> upon a highway in this State unless such person has a valid driver's license under the provisions of this chapter for the type or class of vehicle being driven.

(b) No person, except those hereinafter expressly exempted, shall steer or, while within the passenger compartment of such vehicle, exercise any degree of physical control of a vehicle being towed by a motor vehicle upon a highway in this State unless such person has a valid driver's license under the provisions of this chapter for the type or class of vehicle being towed.

(c) No person shall receive a driver's license unless and until he surrenders to the department all valid licenses in his possession issued to him by this or any other jurisdiction. All sur-

<sup>1</sup> Prior to 1968, chapter 6 provided for the issuance of operators' licenses and chauffeurs' licenses. This distinction was discontinued in 1968 in favor of licensure based on the type or general class of vehicles to be driven by the licensee. The elimination of operators' and chauffeurs' licenses from the Code necessitated the revision of many sections in chapter 6 and some sections in other chapters of the Uniform Vehicle Code.

<sup>2</sup> States adopting the revised article I may find it desirable to delay the effective date to allow sufficient time to prepare new driver licensing forms or for employment and training of additional personnel to administer the chapter. See § 19-107 for one form of provision that could be used to postpone the effective date of a revised driver licensing law. It is also suggested that each state consider adopting a law providing that all operators' and chauffeurs' licenses issued prior to the effective date of the revised chapter 6 shall remain valid until their normal date of expiration or the dates of expiration shown on such license cards, subject to delicensing procedures under article II, of course. After the effective date of any revision, each operator and chauffeur applying for renewal will then be subject to renewal examinations under § 6-115.

<sup>3</sup> Attention is directed to the fact that this section referring to any person driving "any motor vehicle" is sufficiently broad by reason of the definition of motor vehicle in § 1-134 to apply to any person driving any type of motor vehicle, including any motorcycle, motor-driven cycle, any motor scooter or bicycle with motor attached, and to any person driving or operating a trackless trolley coach and other more commonly recognized types of motor vehicles. Thus, all of the provisions of this chapter apply to any person driving a motor vehicle.

## § 6-102

## UNIFORM VEHICLE CODE

rendered licenses issued by another jurisdiction shall be returned thereto, together with information that the person is licensed in this State. No person shall be permitted to have more than one valid driver's license at any time.<sup>4</sup>

(d) Any person licensed as a driver hereunder may exercise the privilege thereby granted upon all streets and highways in this State and shall not be required to obtain any other license to exercise such privilege by any county, municipal or local board, or body having authority to adopt local police regulations. (SECTION REVISED, 1968.)

## § 6-102—What persons are exempt from license

The following persons are exempt from license hereunder:

1. Any employee of the United States Government while operating a motor vehicle owned by or leased to the United States Government and being operated on official business; (REVISED, 1952.)
2. A nonresident who is at least 16 years of age and who has in his immediate possession a valid license issued to him in his home state or country may operate a motor vehicle in this State; (REVISED, 1968.)
3. Any nonresident who is at least 18 years of age, whose home state or country does not require the licensing of driv-

<sup>4</sup> The "one license concept" expressed in subsection (c) means that each driver shall possess only one valid license, and that license is to be issued by the jurisdiction in which he resides. It contemplates that a driver may not possess license cards issued by two or more jurisdictions at the same time.

Further, the limitation of any person to one license indicates that every person has but one privilege to drive and that no matter how many different types or classes of vehicles a licensee has been qualified to drive in his home state, all types and classes will be noted on one license card. The issuance of one license card to a person for a motorcycle, another card for a passenger car, and another for a tractor-semitrailer combination is not recommended because of the inconvenience and enforcement difficulties that would result. Some latitude should be provided administratively to accommodate situations where a person is licensed to drive one type of vehicle (such as a passenger car) and wants to learn to operate an additional type (such as a motorcycle or a large tractor-semitrailer combination). Preferably, the license card held by such a person should be endorsed to indicate his additional status as a learner. If this is not practical, then the applicant could be allowed to retain his license and at the same time be issued a separate instruction permit or he could be required to surrender his license in exchange for an instruction permit covering the motorcycle or combination which would clearly state his present qualification to full driving privileges in a passenger car.

APPENDIX B

Driver License Compact One-License Provisions

Members

Alabama  
Arizona  
Arkansas  
California  
Colorado  
Delaware  
Florida  
Hawaii  
Idaho  
Illinois  
Indiana  
Iowa  
Kansas  
Louisiana  
Maine  
Mississippi  
Montana  
Nebraska  
Nevada  
New Jersey  
New Mexico  
New York

Non-Members

Alaska  
American Samoa  
Connecticut  
District of Columbia  
Georgia  
Guam  
Kentucky  
Maryland  
Massachusetts  
Michigan  
Minnesota  
Missouri  
New Hampshire  
North Carolina  
North Dakota  
Ohio  
Canal Zone  
Pennsylvania  
Puerto Rico  
Rhode Island  
South Carolina  
South Dakota

Members

Oklahoma

Oregon

Tennessee

Utah

Virginia

Washington

West Virginia

Wyoming

Non-Members

Texas

Vermont

Virgin Island

Wisconsin



DRIVER LICENSE COMPACT

ARTICLE I

Findings and Declaration of Policy

1 (a) The party states find that:

2 (1) The safety of their streets and highways is materially  
3 affected by the degree of compliance with state and local laws and  
4 ordinances relating to the operation of motor vehicles.

5 (2) Violation of such a law or ordinance is evidence that  
6 the violator engages in conduct which is likely to endanger the safety  
7 of persons and property.

8 (3) The continuance in force of a license to drive is predi-  
9 cated upon compliance with laws and ordinances relating to the operation  
10 of motor vehicles, in whichever jurisdiction the vehicle is operated.

11 (b) It is the policy of each of the party states to:

12 (1) Promote compliance with the laws, ordinances and ad-  
13 ministrative rules and regulations relating to the operation of motor  
14 vehicles by their operators in each of the jurisdictions where such  
15 operators drive motor vehicles.

16 (2) Make the reciprocal recognition of licenses to drive  
17 and eligibility therefor more just and equitable by considering the  
18 overall compliance with motor vehicle laws, ordinances and administra-  
19 tive rules and regulations as a condition precedent to the continuance  
20 or issuance of any license by reason of which the licensee is authorized  
21 or permitted to operate a motor vehicle in any of the party states.

ARTICLE II

Definitions

1 As used in this compact:

2 (a) "State" means a state, territory or possession of the United  
3 States, the District of Columbia, the Commonwealth of Puerto Rico, a  
4 Province of Canada, or a State of Mexico.

5 (b) "Home state" means the state which has issued and has the  
6 power to suspend or revoke the use of the license or permit to operate  
7 a motor vehicle.

8 (c) "Violation" means a conviction of any offense related to the  
9 use or operation of a motor vehicle which is prohibited by state law,  
10 municipal ordinance or administrative rule or regulation, or a for-  
11 feiture of bail, bond or other security deposited to secure appearance  
12 by a person charged with having committed any such offense, and which  
13 conviction or forfeiture is required to be reported to the licensing  
14 authority.

## ARTICLE III

Report of Violation

1 The licensing authority of a party state shall report each  
2 violation occurring within its jurisdiction to the licensing authority  
3 of the home state of the licensee. Such report shall clearly identify  
4 the violator and shall describe the violation, and shall include any  
5 special findings made in connection therewith.

## ARTICLE IV

Effect of Violation

1 The licensing authority in the home state, for the purposes of  
2 suspension, revocation or limitation of the license to operate a motor  
3 vehicle, shall give the same effect to the conduct reported, pursuant  
4 to Article III of this compact, in a violation as it would if such  
5 conduct had occurred in the home state.

## ARTICLE V

Applications for New Licenses

1 Upon application for a license to drive, the licensing authority in  
2 a party state shall ascertain whether the applicant has ever held, or is  
3 the holder of a license to drive issued by any other party state. The  
4 licensing authority in the state where application is made shall not  
5 issue a license to drive to the applicant if:

6 (1) The applicant has held such a license, but the same has  
7 been suspended by reason, in whole or in part, of a violation and if  
8 such suspension period has not terminated.

9 (2) The applicant has held such a license, but the same has  
10 been revoked by reason, in whole or in part, of a violation and if such  
11 revocation has not terminated, except that after the expiration of one

12 year from the date the license was revoked, such person may make appli-  
13 cation for a new license if permitted by law. The licensing authority  
14 may refuse to issue a license to any such applicant if, after investi-  
15 gation, the licensing authority determines that it will not be safe to  
16 grant to such person the privilege of driving a motor vehicle on the  
17 public highways.

18 (3) The applicant is the holder of a license to drive issued  
19 by another party state and currently in force unless the applicant  
20 surrenders such license.

#### ARTICLE VI

##### Applicability of Other Laws

1 Except as expressly required by provisions of this compact,  
2 nothing contained herein shall be construed to affect the right of any  
3 party state to apply any of its other laws relating to licenses to  
4 drive to any person or circumstance, nor to invalidate or prevent any  
5 driver license agreement or other cooperative arrangement between a  
6 party state and a non-party state.

#### ARTICLE VII

##### Compact Administrator

1 The head of the licensing authority of each party state shall be  
2 the administrator of this compact for his state. The administrators  
3 acting jointly, shall have the power to formulate all necessary and  
4 proper procedures for the exchange of information under this compact.

#### ARTICLE VIII

##### Entry into Force and Withdrawal

1 (a) This compact shall enter into force and become effective as  
2 to any state when it has enacted the same into law.

3 (b) Any party state may withdraw from this compact by enacting  
4 a statute repealing the same, but no such withdrawal shall take effect  
5 until six months after the executive head of the withdrawing state has  
6 given notice of the withdrawal to the executive heads of all other  
7 party states. No withdrawal shall affect the validity or applicability  
8 by the licensing authorities of states remaining party to the compact  
9 of any report of violation occurring prior to the withdrawal.

## ARTICLE IX

Construction and Severability

1        This compact shall be liberally construed so as to effectuate  
2        the purposes thereof. The provisions of this compact shall be  
3        severable and if any phrase, clause, sentence or provision of this  
4        compact is declared to be contrary to the constitution of any party  
5        state or of the United States or the applicability thereof to any  
6        government, agency, person or circumstance is held invalid, the  
7        validity of the remainder of this compact and the applicability  
8        thereof to any government, agency, person or circumstance shall  
9        not be affected thereby. If this compact shall be held contrary  
10       to the constitution of any state party thereto, the compact shall  
11       remain in full force and effect as to the remaining states and in  
12       full force and effect as to the state affected as to all severable  
13       matters.

## APPENDIX C

### Highway Safety Program Standard No. 5, One-License Provisions

#### DRIVER LICENSING

##### PURPOSE

To improve the quality of driving by implementing more effective and uniform licensing procedures, and thereby to reduce the number of accidents while also increasing the efficiency of traffic flow.

##### STANDARD

Each State shall have a driver licensing program (a) to insure that only persons physically and mentally qualified will be licensed to operate a vehicle on the highways of the State and (b) to prevent needlessly removing the opportunity of the citizen to drive. The program shall provide, as a minimum, that:

- I. Each driver holds only one license, which identifies the type(s) of vehicle(s) he is authorized to drive.\*
- II. Each driver submits acceptable proof of date and place of birth in applying for his original license.
- III. Each driver:
  - A. Passes an initial examination demonstrating his:
    1. Ability to operate the class(es) of vehicle(s) for which he is licensed.
    2. Ability to read and comprehend traffic signs and symbols.
    3. Knowledge of laws relating to traffic (rules of the road), safe driving procedures, vehicle and highway safety features, emergency situations that arise in the operation of an automobile, and other driver responsibilities.

\*See Highway Safety Program Standard 3, Motorcycle Safety.



4. Visual acuity, which must meet or exceed State standards.
- B. Is reexamined at an interval not to exceed four years, for at least visual acuity and knowledge of rules of the road.
- IV. A record on each driver is maintained which includes positive identification, current address, and driving history. In addition, the record system shall provide the following services:
  - A. Rapid entry of new data into the system.
  - B. Controls to eliminate unnecessary or unreasonable delay in obtaining data which are required for the system.
  - C. Rapid audio or visual response upon receipt at the records station of any priority request for status of driver license validity.
  - D. Ready availability of data for statistical compilation as needed by authorized sources.
  - E. Ready identification of drivers sought for enforcement or other operational needs.
- V. Each license is issued for a specific term, and must be renewed to remain valid. At time of issuance or renewal each driver's record must be checked.
- VI. There is a driver improvement program to identify problem drivers for record review and other appropriate actions designed to reduce the frequency of their involvement in traffic accidents or violations.
- VII. There is:
  - A. A system providing for medical evaluation of persons whom the driver licensing agency has reason to believe have mental or physical conditions which might impair their driving ability.
  - B. A procedure which will keep the driver license agency informed of all licensed drivers who are currently applying for or receiving any types of tax, welfare, or other benefits or exemptions for the blind or nearly blind.

APPENDIX D

The Safety Board's One-License Concept  
Recommendation and State Replies

State Replies to Safety Board

Recommendation No. H-78-45, June 6, 1978

To: The Governors of the Fifty States, the Safety Board recommends  
that each State:

Review its driver license program(s) to insure that it conforms to  
the one-license concept and the driver improvement program  
suggested by Highway Safety Program Standard 5, Driver Licensing,  
and by guidelines set forth in Chapter 6 of the Uniform Vehicle Code.  
(Class I, Urgent Action) (Recommendation H-78-45)

Replies received from:

Alaska	Nevada
Colorado	New Mexico
Connecticut	New York
Delaware	North Carolina
Florida	Ohio
Hawaii	South Dakota
Illinois	Tennessee
Kentucky	Texas
Maine	Vermont
Michigan	Virginia
Mississippi	Washington
Missouri	

JAY S. HAMMOND  
GOVERNOR



STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
JUNEAU

June 14, 1978

Mr. James B. King  
Chairman  
National Transportation  
Safety Board  
Washington, D. C. 20594

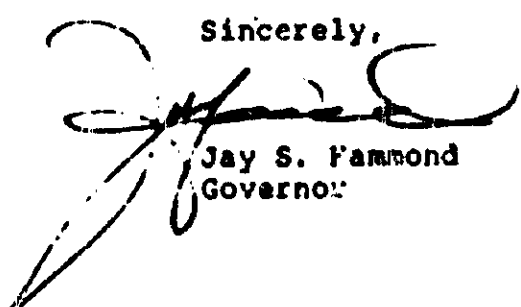
Dear Mr. King:

I appreciate very much having received a copy of the accident report (NTSB-HAR-78-1) regarding an accident between a tractor-semitrailer and a schoolbus. The thrust of the accompanying material was that the state should implement Highway Safety Program Standard number 5 requiring that states allow each driver to hold only one license from one state and the implementation of a highway driver improvement program. The State of Alaska presently requests the surrender of any valid licenses when issuing new licenses, but at this time does not have the force of statute behind this request. It is a proposal before the State Legislature at this time to make this a requirement, however, it appears that this legislation will not be considered at this session.

Presently within the State of Alaska we do have a point system for revoking licenses of frequent violators of our traffic code.

Thank you very much for forwarding this information to me. I shall see that the proper people within my Administration are made aware of this accident report.

Sincerely,

  
Jay S. Hammond  
Governor



RICHARD D. LAMM  
Governor

June 23, 1978

Mr. James King, Chairman  
National Transportation  
Safety Board  
Washington, D.C. 20594

Dear Mr. King:

I have received your letter of June 7, 1978 and the NTSB report HAR-78-1. I am very concerned that drivers are able to obtain and possess more than one valid driver's license and especially from more than one state. This is a loophole that should be closed.

I am told that methods now exist, through state compacts and reciprocity agreements, that can help to correct this problem.

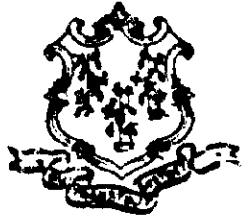
I am forwarding your letter and report to Mr. Alan Charnes, Executive Director of the Colorado Department of Revenue, for his review and recommendations. The Department of Revenue is the driver licensing authority in Colorado.

I am also directing Mr. Charnes to give me his recommendations on how we can cooperate with other states so that this problem can be corrected.

Sincerely,

A handwritten signature in dark ink, appearing to read "Richard D. Lamm", is written over the typed name.

Richard D. Lamm  
Governor



ELLA GRASSO  
GOVERNOR

STATE OF CONNECTICUT  
EXECUTIVE CHAMBERS  
HARTFORD

Jun 6, 1978

Mr. James B. King  
Chairman  
National Transportation  
Safety Board  
Washington, D.C. 20594

Dear Mr. King:

Thank you for sending me a copy of "Tractor-  
Semitrailer/Schoolbus Collision and Overturn,  
Rustburg, Virginia, March 8, 1977."

I have forwarded the material to Commissioner  
Benjamin A. Muzio of the Department of Motor  
Vehicles for his review and consideration.

Your courtesy is appreciated.

With best wishes,

Cordially,

*Ella Grasso*  
ELLA GRASSO  
Governor





STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
DOVER, 19901

PIERRE S. DU PONT  
GOVERNOR

PHONE (302) 678-4101

July 31, 1978

Mr. James B. King  
Chairman  
National Transportation  
Safety Board  
Washington, D.C. 20594

Dear Mr. King:

Pursuant to the receipt of your correspondence of June 7, 1978 I asked Mr. William J. O'Rourke, Secretary of Public Safety to initiate a full review of the regulations governing Delaware school bus operators.

While I am satisfied that Delaware law is adequate the Department of Public Safety, Department of Public Instruction and myself are reminded of the necessity of monitoring this situation.

Thank you for sharing your information with me.

Best wishes.

Sincerely,

A handwritten signature in dark ink, appearing to read "Pierre S. Du Pont".

Governor

PSduP/pob

cc: Honorable William J. O'Rourke



R. G. Whelan Jr.  
DEPUTY FLORIDA GOVERNOR

STATE OF FLORIDA  
**Department of Administration**

Division of State Planning  
BUREAU OF HIGHWAY SAFETY

P.O. Box 1853  
TALLAHASSEE, FLORIDA 32301  
400-8400

Reubin O'D. Askew  
GOVERNOR

Wallace W. Harrison  
SECRETARY OF ADMINISTRATION

July 11, 1978

Mr. James B. King  
Chairman  
National Transportation  
Safety Board  
Washington, D.C. 20594

Dear Mr. King:

Governor Reubin O'D. Askew, State of Florida, has referred your letter of June 7, 1978 to the Bureau of Highway Safety, Department of Administration, for reply. The details surrounding the accident support Florida's long-standing commitment to providing an on-line capability to the National Driver Register.

In 1967, Florida adopted by statute the Driver License Compact which requires that drivers applying for a Florida driver's license must surrender all licenses issued and currently in force in other party states. However, Florida is also an across-the-counter driver license issuance state. If an applicant falsifies his application, he can not always be located following the time it takes to receive a reply from the National Driver Register (currently a minimum of two weeks). Rapid access to the National Driver Register would have provided a check on the licensing of habitual offenders such as [Name deleted].

In addition, Florida has recently taken steps to strengthen its problem driver program. The 1977 Florida Legislature passed a law requiring drivers whose licenses have been revoked or suspended under the point system to attend a department-approved driver training or alcohol education course in addition to passing the complete driver's license examination as prerequisites to the reinstatement of their driving privileges.

[Name deleted] applied for a chauffeurs license in November, 1972. With his original application, he provided an affidavit that he was temporarily in Florida and for business purposes must retain his North Carolina

Mr. James B. King  
July 11, 1978  
Page 2

license. His Florida driver's history reflects seven violations, all from states other than Florida. There has been no notification of the accident in Rustburg, Virginia. His chauffeur's license has expired and no attempt was made to renew it.

Situations similar to that involving [Name deleted] are of grave concern to the entire highway safety community. Although little can be done to compensate for the loss of the three lives in Rustburg, progress is being made toward eliminating the occurrence of similar incidents.

Sincerely,



Adele D. Spielberger  
Chief, Bureau of Highway Safety

ADS/Sld

cc: Division of Driver License, DHSMV



EXECUTIVE CHAMBERS  
HONOLULU

GEORGE A. ARITOMI  
GOVERNOR

June 30, 1978

Mr. James B. King, Chairman  
National Transportation Safety Board  
Washington, D. C. 20594

Dear Mr. King:

Thank you for your letter of June 7, 1978 concerning the "Tractor-Semitrailer/Schoolbus Collision and Overturn, which occurred at Rustburg, Virginia, March 8, 1976, and the attached highway accident report.

The State of Hawaii driver licensing system is based on the single driver's license concept as outlined in the Federal Highway Safety Program manual No. 5 which pertains to driver licensing. In addition, all drivers of heavy vehicles (more than 10,000 lbs. gross vehicle weight rating) must possess an appropriate State of Hawaii driver's license before they can operate those vehicles on the highways of this state.

All persons from out-of-state applying for a Hawaii driver's license are screened through the National Drivers Register and are required to successfully pass a knowledge test, a vision test, and a practical test for the particular vehicle they wish to drive prior to being issued a Hawaii driver's license. State law allows visitors over 18 years of age with valid drivers licenses from another jurisdiction to drive light motor vehicles (motor scooters, motorcycles and other vehicles 10,000 lbs. gross vehicle weight rating and under).

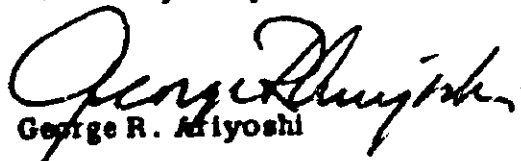
A program is presently being developed in the State which will provide for the automation of traffic violations records. This will permit the screening of a driver's record prior to the renewal of the driver's license.

Mr. James B. King, Chairman  
Page 2  
June 30, 1978

We believe that positive driver control is a major controlling factor in the prevention of traffic accidents such as the one depicted in your attachment.

With warm personal regards, I remain,

Yours very truly,

  
George R. Ariyoshi



ALAN J. DIXON  
SECRETARY OF STATE



OFFICE OF THE SECRETARY OF STATE  
SPRINGFIELD, ILLINOIS 62766

September 18, 1978

Mr. James S. King  
Chairman  
National Transportation  
Safety Board  
Washington, D. C. 20524

Dear Mr. King:

Your recent correspondence regarding the National Transportation Safety Board's report on the accident in Rustburg, Virginia, and the associated Safety Recommendation H-78-45, has been referred to this Office by the Governor for our reply.

The Illinois Secretary of State's Drivers License Program does follow the one-license concept. The Illinois drivers license is classified as to the kind and type of vehicle(s) the holder is licensed to legally operate. This classification system is provided by Administrative Rule 6-104 (a), a copy of which is enclosed.

Furthermore, in order to determine if an applicant for an Illinois drivers license is licensed in another state and to determine the status of the applicant's driving privileges, our Office fully utilizes the present services provided by the National Driver Register (NDR). Currently, the lack of full participation by all licensing jurisdictions, along with the lack of on-line service to the NDR hinders the efficient capability of monitoring the driving history of problem drivers such as that driver involved in the Rustburg, Virginia, accident.

In regard to these problems, our Office has reviewed and supports recent legislation introduced in the 95th Congress (H.R. 8614) which if enacted would upgrade the present capability of the NDR. However, the last version of this legislation which we were able to review failed to address the vital issue of providing sufficient federal funding for an on-line service capability between the NDR and the various licensing jurisdictions. It is our opinion that such an on-line capability would greatly enhance the effective usage of the services provided by the National Driver Register and would greatly assist each state in complying with the intent of the National Highway Traffic Safety Administration's Highway Safety Program Standard No. 5.

Mr. James B. King

-2-


September 18, 1978

In addition, the Illinois Secretary of State's Office presently conducts a driver improvement program based upon behavior modification of negligent driving behavior. At this time, our program does not address the commercial driver, however, we are currently considering such a program for a pilot purpose. The nature of the commercial driver, however, presents several problems in relation to the conduct of an organized remedial effort. In the future, it is our hope to be able to require driver improvement activity for those commercial drivers whose driving privileges are either suspended or revoked, as well as all other categories of problem drivers.

Please feel assured that the State of Illinois is greatly concerned with highway safety, and we recognize the need for interstate cooperation in driver licensing.

We wish to thank you for bringing this serious problem to our attention. If we can be of any further assistance, please feel free to contact this Office.

Sincerely,

  
William F. Logan, Director  
Driver Services Department

Administrative Services  
WFL:FW:bjp

Enclosure

OFFICE OF THE GOVERNOR  
FRANKFORT, KENTUCKY 40601

JULIAN M. CARROLL  
GOVERNOR

October 24, 1978

Mr. James B. King  
Chairman  
National Transportation  
Safety Board  
Washington, D. C. 20591

Dear Mr. King:

We in Kentucky are keenly aware of the problem discussed in the National Transportation Safety Board's Highway Accident Report. Our action to combat this activity includes maintaining an accurate on-line driver license file, including all violations and accidents involving drivers holding a Kentucky Operator's License. Secondly, all new drivers applying for a Kentucky license after being licensed in a sister jurisdiction are required to surrender their previous license and an immediate inquiry is initiated to obtain any adverse driving record they may have amassed prior to establishing residence in Kentucky. Finally, our driver improvement and operator reeducation efforts in Kentucky are second to none.

Secretary Calvin Grayson of our Department of Transportation advises me some additional programs in the future may include electronic interface with the automated driver register service now being considered by the U. S. Congress (Oberstar Amendment), and, on-line issuance of both original and renewal operator's license in Kentucky.

We are most hopeful that the adequate exchange of driving record information can be accomplished thru the cooperative efforts of state and federal government. Thank you for your interest and concern.

Sincerely,

  
Julian M. Carroll

cc: Secretary Calvin Grayson



STATE OF MAINE  
OFFICE OF THE GOVERNOR  
AUGUSTA, MAINE  
04863

June 9, 1978

James B. King, Chairman  
National Transportation Safety Board  
Washington, D.C. 20594

Dear James King:

Thank you for your recent letter regarding the National Transportation Safety Board's investigation of a truck/bus accident in Virginia and the recommendations regarding driver licensing which resulted from that investigation.

I am taking the liberty of sharing your letter with appropriate officials of Maine State government, asking for their review and recommendation.

Again, thank you for bringing this matter to our attention.

Sincerely,

*Jim Longley*  
James B. Longley  
Governor

JBL:mas

cc: Honorable Markham Gartley, Secretary of State

Col. Allan H. Weeks, Commissioner  
Department of Public Safety

Roger L. Mallar, Commissioner  
Department of Transportation



STATE OF MICHIGAN  
OFFICE OF THE GOVERNOR  
LANSING

WILLIAM G. MILLIKEN  
GOVERNOR

June 27, 1970

Mr. James B. King, Chairman  
National Transportation Safety Board  
Washington, D.C. 20594

Dear Mr. King:

Thank you for your recent report and letter concerning persons holding valid driver licenses in more than one state.

I have asked our Office of Highway Safety Planning to ascertain from the Michigan Department of State what licensing safeguards are currently being practiced in Michigan.

A person applying for a driver license in Michigan must either apply for an original license or surrender an out-of-state license at the time of registration. If the person has been licensed elsewhere or if the examiner has reason to believe that the person may have been licensed elsewhere, a record check is made with the National Driver Register.

If the National Driver Register has no information, but the examiner still has reason to believe the applicant is licensed elsewhere, individual states can be queried.

The most obvious safeguard to assure that drivers do not receive multiple licenses is a complete and accurate National Driver Register with required participation by all of the states. This is now being proposed by the Congress.

Again, thanks for your expressed interest in this important issue.

Warm personal regards.

Sincerely,

*William G. Milliken*  
Governor





COURTESY  
M.C. PARQUE  
ASSISTANT COMMISSIONER  
CHIEF OF PATROL

SERVICE  
JAMES PINCH  
COMMISSIONER OF PUBLIC SAFETY  
June 21, 1978

SAFETY  
C.H. TYRONE  
ASSISTANT CHIEF OF PATROL

Mr. James B. King, Chairman  
National Transportation Safety Board  
Washington, D. C. 20594

Re: Tractor - Semi-trailer/School Bus  
Collision and Overturn, Rustburg,  
Virginia, March 8, 1977

Dear Sir:

We believe that in the State of Mississippi this individual's driver license would have been cancelled by our driver improvement program if all violations had been reported to our department.

As a member of the A.A.M.V.A. International Driver License and Control Committee, we believe that the problem of holding more than one driver license by a motor vehicle operator cannot be prevented until all states adopt a common identifier such as the social security number as the driver license number. In this manner the states can then crosscheck to see if that individual holds a valid driver license in another state.

We know that many truck drivers are obtaining driver licenses in most states that they travel through. This is done on purpose and is done by making minor changes in the first or middle names. If they deny holding a valid license when they apply for your state's driver license it is impossible now to run a check through anyone to establish if they have given false information.

The reason, as you know, to obtain these licenses is to switch them around so that they do not receive too many convictions on any one driver license. They do not want to attract any attention to themselves by any driver improvement office. The citizen band radio is educating

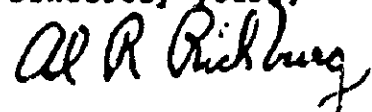
Mr. James B. King  
Page Two

these drivers in how to obtain driver licenses. The buddy system is used in giving each other their home address to be used on a driver license. This true address appears on these driver licenses. This, in my opinion, is why it has been extremely hard to slow the truck down to the fifty-five miles per hour speed limit. Many companies pay their driver's fines. Thus, as long as they can avoid the driver improvement programs they will not comply with the law.

We believe that we will come up with a workable identifier for driver licenses. We hope that all states will comply with our recommendations. We believe that if the National Driver Register in Washington, D. C. can go on line and serve as a clearing house to check each state for drivers with more than one license this program will work. Once we can be certain that all drivers have only one license then we can remove these bad drivers from our highways. Once they know that they can lose their driving privilege they will begin to obey traffic laws.

Thank you for allowing us to comment on this report.

Sincerely yours,



Al R. Richburg, Director  
Driver Services Division

ARR/bl

c: Mr. James Finch  
Commissioner of Public Safety

EXECUTIVE OFFICE  
STATE OF MISSOURI  
JEFFERSON CITY

JOSEPH P. TEASDALE  
GOVERNOR

July 12, 1978

Mr. James B. King  
Chairman, National Transportation  
Safety Board  
400 Seventh Street, S.W.  
Washington, D.C. 20594

Dear Mr. King:

Thank you for your correspondence and the investigation report regarding the highway accident at Rustburg, Virginia on March 8, 1977.

Highway Safety is a high priority of my administration and during my tenure in office I have continually reiterated to our official highway safety family that new and aggressive programs should be explored and implemented when they can add to the safety of our motorists.

The record of the truck driver in question prior to the fatal accident points up the need that we have recognized in Missouri, that every driver operating a motor vehicle be qualified in every respect before getting behind the wheel. We strictly adhere to the concept that each driver hold only one type of license and that if his driving record reflects his inability to fit smoothly into the traffic flow, that he should be taken off the road. We will continue to strive to make this a reality.

Thank you for this comprehensive report. I am sure it will help our highway safety and drivers license officials in convincing our Legislature the need to improve and upgrade our licensing procedures.

Sincerely,

*Joseph P. Teasdale*

GOVERNOR

JPT:CV

MIKE O'CALLAGHAN  
C. V. E. R. 4

STATE OF NEVADA



HOWARD HILL  
Director  
(702) 885-5371

ROSALIND L. PARRY  
Deputy Director  
(702) 885-5380

DEPARTMENT OF MOTOR VEHICLES

555 WRIGHT WAY  
CARSON CITY, NEVADA 89711  
July 20, 1978

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MOTOR CARRIER  
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H. John Ciardella  
Chief  
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James B. King, Chairman  
National Transportation Safety Board  
Washington, D.C. 20594

Dear Mr. King:

Your letter of June 7, 1978, has been referred to me by our Director of the Office of Traffic Safety, Mr. John Borda.

I find this report most informative. The Nevada statute states that all out-of-state applicants who apply for a Nevada driver's license must have their driving record checked through National Register before a permanent driver's license may be issued. If the results from National Register indicate that the driver is not eligible to be licensed, Nevada does not issue a permanent driver's license until that person has been completely cleared.

Nevada presently has a driver improvement program whereby any driver who has accumulated three or more demerit points, but less than twelve points, the department will notify him/her of this fact so that he/she may attend a traffic safety school course to delete three points from his/her record. We do suspend on twelve points within a 12-month period.

Nevada also has a classified driver's license system where each driver holds only one driver's license which identifies the type of vehicle he/she is authorized to drive.

Thank you for bringing this very important matter relating to traffic safety to our attention. We do agree with the National Transportation Safety Board's recommendations.

Sincerely,

*Sharon P. Alcamo*  
Sharon P. Alcamo, Chief  
Driver's License Division

SPA/jb  
cc: Bruce Glover  
Driver's License Supervisor

STATE OF NEW MEXICO



## Department of Transportation

JERRY APODACA  
GOVERNOR

P.O. BOX 1000  
SANTA FE, NEW MEXICO 87503  
PHONE 505-827-2045

RUBEN MIERA  
SECRETARY

July 5, 1978

Mr. James B. King  
Chairman  
National Transportation Safety Board  
Washington, D.C. 20594

RE: Safety Recommendation(s)  
H-78-45

Dear Mr. King:

The Motor Vehicle Division of the Transportation Department has always followed the intent of the Compact Act (Section 64-13-79, Article 5) which states: "Upon application for a license to drive, the licensing authority in a party state shall ascertain whether the applicant has ever held or is a holder of a license to drive issued by another party state". Article 5 further states that if the applicant is a holder of a license currently in force issued by another party state, no license will be issued until he surrenders such license. The Division adheres to this provision very strongly.

At this time, we do not have a classified driver's licensing program which identifies the type(s) of vehicles a driver is authorized to drive. We are implementing a classified drivers' licensing program on January 1, 1979, which will place us in compliance with N.H.T.S. Highway Safety Program Standards (HSP) No. 5.

The Motor Vehicle Division of the Transportation Department also has implemented a program which identifies problem drivers and does make an effort to reduce the frequency of their involvement in traffic accidents. This program entails warning letters which advises the licensee of the accumulation of demerit points due to being convicted for traffic offenses. If the licensee continues to drive adversely and accumulates more points and reaches a point level of twelve (12), he is then suspended for a period of one (1) year. He does have the opportunity, voluntarily, to attend a Driver Improvement Course, which if he attends and successfully completes the course, his point level of twelve (12) or more points are reduced to below the twelve-point level of suspension.

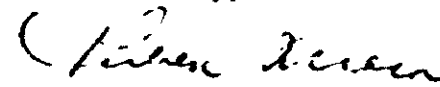
We are now experiencing a very low percentage of repeaters since the program was implemented. It is true that the present program is not a Full-Blown Driver Improvement Program, but it is a step forward in the direction of the implementation in the future of an extensive DI Program.

Mr. James B. King  
July 5, 1978  
Page Two

Overall, the Motor Vehicle Division is making a concerted effort to comply with the Safety Program Standard (HSPS) No. J.

If you have any further questions please do not hesitate to call on us.

Sincerely,



RUBEN MIERA  
Secretary

RH/pt





STATE OF NEW YORK  
EXECUTIVE CHAMBER  
ALBANY 12224

ROBERT J. MORGADO  
SECRETARY TO THE GOVERNOR

June 14, 1978

Dear Mr. King:

On behalf of Governor Carey, I acknowledge with thanks a copy of the report "Tractor-Semitrailer/Schoolbus Collision and Overturn, Rustburg, Virginia, March 8, 1977" transmitted with your letter of June 7.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Robert J. Morgado', followed by a horizontal line.

Mr. James B. King, Chairman  
National Transportation  
Safety Board  
Washington, D. C. 20594



STATE OF NORTH CAROLINA  
OFFICE OF THE GOVERNOR  
RALEIGH 27611

JAMES B. HUNT, JR.  
GOVERNOR

July 7, 1978

Dear Mr. King:

This will acknowledge and thank you for your letter of June 7, 1978 concerning "Tractor-Semitrailer/Schoolbus Collision and Overturn, Rustburg, Virginia, March 8, 1977". It is a genuine source of concern to me to learn of tragic crashes such as this one, and I share my deepest sympathy for the parents of the three young students who were killed in this tragedy.

North Carolina has been very progressive in its total highway safety programs for many years and I assure you it will continue to be. Since the National Highway Safety Act was enacted in 1966, North Carolina has put forth every effort to comply with the eighteen standards. In the area of driver licensing, our state legislature in 1977 enacted legislation requiring special examination and licensing for motorcyclists. This is another important step in complying with the recommendations in Standard Five.

I have also been advised that the U.N.C. Highway Safety Research Center has contracted a research study with the National Highway Traffic Safety Administration in the area of licensing operators who drive commercial vehicles.

I would be pleased to receive all concrete information you receive from the other states relative to this matter in order that this information may be assessed by the appropriate people for possible legislation in our state.

With warmest regards,

Sincerely,

A handwritten signature in dark ink, appearing to be "J. B. Hunt", written over the word "Sincerely,".

Mr. James B. King, Chairman  
National Transportation Safety Board  
Washington, D. C. 20594



JAMES A RHODES  
GOVERNOR

STATE OF OHIO  
OFFICE OF THE GOVERNOR  
COLUMBUS 43215

June 14, 1978

Mr. James B. King, Chairman  
National Transportation Safety Board  
Washington, D.C. 20594

Dear Mr. King:

Thank you for your letter of June 7, enclosing a report,  
"Tractor-Semitrailer/Schoolbus Collision and Overturn,  
Rustburg, Virginia, March 8, 1977".

I am forwarding this revealing, investigative report to my  
Director of Highway Safety so that he might be informed of  
this serious matter.

I appreciate your courtesy in providing me with this vital  
information.

Sincerely,

A handwritten signature in dark ink, appearing to read "James A. Rhodes".  
JAMES A. RHODES  
Governor



STATE OF SOUTH DAKOTA

RICHARD F. KNEIP  
GOVERNOR

EXECUTIVE OFFICE  
PIERRE  
57501

June 16, 1978

Mr. James B. King, Chairman  
National Transportation Safety Board  
Washington, D. C. 20591

Dear Mr. King:

Thank you for your recent letter and enclosure concerning the National Transportation Safety Board's investigation of a recent highway accident at Rustburg, Virginia.

After I have had an opportunity to review this material, I will be forwarding it to Dr. Donald Dahlin, Secretary of the Department of Public Safety, for his information and review.

With every best wish, I remain

Sincerely,

A handwritten signature in dark ink, appearing to read "RF Kneip", written over the printed name and title of the Governor.

RICHARD F. KNEIP  
GOVERNOR

RFK:jdg

cc: Dr. Donald Dahlin, Secretary  
Department of Public Safety



STATE OF TENNESSEE

RAY BLANTON  
Governor

June 23, 1978

EXECUTIVE CHAMBER  
Nashville 37219

Mr. James B. King, Chairman  
National Transportation Safety Board  
Washington, D. C. 20524

Dear Mr. King:

This is written in acknowledgement of your correspondence dated June 7, 1978, and signed by Francis H. McAdams.

The Tennessee Department of Safety is charged with the responsibility of issuing driver licenses in this State, maintaining driving records of all operators licensed in Tennessee, and enforcing compliance with the State's driver license laws, as enacted by the Tennessee General Assembly. Accordingly, a copy of your investigative report, "Tractor-Semitrailer/Schoolbus Collision and Overturn, Rustburn, Virginia, March 8, 1977", will be made available to the appropriate personnel within that department for review.

Thank you very much for your consideration in providing us with a copy of your compilation of findings in this particular occurrence, which relates to a matter of mutual and prime concern.

Sincerely,  
A handwritten signature in cursive script that reads "Ray Blanton".  
Ray Blanton

RB/jp

Reproduced from  
best available copy.



## TEXAS DEPARTMENT OF PUBLIC SAFETY

5805 W LAMAR BLVD - BOX 4087 - AUSTIN, TEXAS 78773

June 22, 1978

WILSON E. SPEIR  
DIRECTORLEO E. BOWEN  
ASST. DIRECTORCOMMISSIONER  
ROBERT S. SHELTON  
CHIEF OF POLICE  
WILLIAM B. BROWN  
CHIEF OF DEPT. OF  
CORRECTIONS

Mr. James B. King  
Chairman  
National Transportation Safety Board  
Washington, D. C. 20594

Dear Mr. King:

Governor Briscoe has asked me to respond to your letter of June 7, as this Department has the drivers license responsibility in the State of Texas.

We are in total agreement with your recommendations, and Texas does have a driver improvement program that is designed to identify problem drivers and take appropriate action consistent with statutory authority. However, we do not, at the present time, have clear statutory authority to implement the one license concept in its fullest sense, even though we fully agree with the principle.

I wish to commend the Board for its action in calling this important matter to the attention of the states, and I'm sure it will produce positive results.

Sincerely yours,

*Wilson E. Speir*  
Wilson E. Speir  
Director

WES:wrh

cc: Mr. Ken Clapp, Executive Assistant





STATE OF VERMONT

AGENCY OF TRANSPORTATION

OFFICE OF THE SECRETARY  
Montpelier, Vermont 05602

DEPARTMENTS OF

Highway  
Aeronautics  
Motor Vehicles  
Public Carriers

June 16, 1978

National Transportation Safety Board  
Office of the Chairman  
Washington, DC 20591

Attention: James B. King, Chairman

Dear Mr. King;

Your letter of June 7th addressed to the Honorable Richard A. Snelling, Governor of Vermont, has been referred to me for attention.

I am sure you are aware that the courts have ruled that operating a motor vehicle is a privilege which cannot be withdrawn lightly and much litigation has occurred in attempting to suspend operators who are believed to be a problem driver.

The one license concept works well in theory, but in practice it does work a hardship on the operators. For example; New Hampshire has the one license concept law and if a resident of New Hampshire is employed in Massachusetts, that state requires an operator's license to be issued by that state to be able to operate motor vehicles in Massachusetts. When New Hampshire issues a license to him, they confiscate the Massachusetts license, then the fellow has no right to operate motor vehicles in Massachusetts. The license is required in the state of residency and many states require a license to operate point to point, or if stationed in that state for employment purposes.

The National Driver Register at the present time cannot deal with this situation as their records are not promptly updated. Actually a state cannot depend fully on the information received from the National Driver Register.

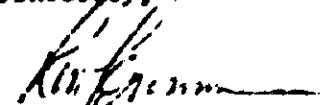
Classified licenses as recommended by the Uniform Vehicle Code is a program that is expensive to administer and the small states such as Vermont have not been able to obtain Legislative approval for the funds required to initiate the program.

cont'd

page 2

I do believe this is a problem which needs attention and Vermont will continue to seek solutions for the removal of the problem drivers from the highways.

Sincerely, ,



Ronald E. W. Crisman  
Secretary

REWC/smc



COMMONWEALTH of VIRGINIA

John A. Dalton  
Governor

Office of the Governor  
Richmond 23219

June 8, 1978

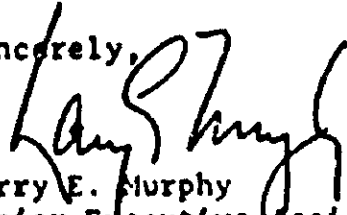
Mr. James B. King, Chairman  
National Transportation Safety Board  
Washington, D. C. 20594

Dear Mr. King:

In Governor Dalton's absence, thank you for your letter of June 7 and copy of the investigation report of the highway accident at Rustburg, Virginia, titled "Tractor-Semitrailer/Schoolbus Collision and Overturn."

I know the Governor will want to review this information which will also be shared with other appropriate State officials.

Sincerely,

  
Larry E. Murphy  
Senior Executive Assistant

jw



STATE OF  
WASHINGTON

Dixy Lee Ray  
Governor

DEPARTMENT OF LICENSING

Highway License Building, Olympia, Washington 98504 206-755-1418

R. Y. Woodhouse, Director

June 22, 1978

Mr. James E. King, Chairman  
National Transportation Safety Board  
Washington, D.C. 20591

Dear Mr. King

Because the Department of Licensing administers the driver license programs, Governor Dixy Lee Ray has asked me to respond to your letter of June 7, 1978.

I certainly agree with you that the removal of problem drivers from our highways would help prevent highway traffic accidents and save many lives. On behalf of these very goals, the State of Washington strictly conforms to the one-license concept.

Before a Washington driver license is issued, the applicant must surrender all out-of-jurisdiction licenses to this department. In addition, the name of each applicant for original Washington license is checked with the National Driver Register in Washington, D.C. to determine if the individual has been suspended or revoked by another jurisdiction.

If the individual indicates on his application that his driving privilege has been suspended or revoked in another state, no license will be issued. Instead, the other state will be requested to forward the person's driving record and suspension information for our review and appropriate action.

The Department of Licensing administers several on-going driver improvement programs. These are designed to identify problem drivers and assign them to behavior modification programs in an effort to reduce the frequency of their involvement in traffic accidents and other violations. A special program exists for individuals who have been involved in alcohol-related accidents/violations. Even though these programs seem successful, the department periodically re-evaluates them to assure their effectiveness.

I appreciate and share your concern for the safety of everyone who travels our highways. If I may be of service to you at any time, please let me know.

Sincerely

*R. Y. Woodhouse*  
R. Y. Woodhouse  
Director

RYW:mj  
cc Governor Ray

## APPENDIX E

### The Current National Driver Register Law

#### **Public Law 89-563 80 Stat. 730**

#### **TITLE IV—NATIONAL DRIVER REGISTER**

Sec. 401. The Act entitled "An Act to provide for a register in the Department of Commerce\* in which shall be listed the names of certain persons who have had their motor vehicle operator's licenses revoked," approved July 14, 1960, as amended (74 Stat. 526; 23 U.S.C. 313 note), is hereby amended to read as follows: "That the Secretary of Commerce shall establish and maintain a register identifying each individual reported to him by a State, or political subdivision thereof, as an individual with respect to whom such State or political subdivision has denied, terminated, or temporarily withdrawn (except a withdrawal for less than six months based on a series of nonmoving violations) an individual's license or privilege to operate a motor vehicle.

"Sec. 2. Only at the request of a State, a political subdivision thereof, or a Federal department or agency, shall the Secretary furnish information contained in the register established under the first section of this Act, and such information shall be furnished only to the requesting party and only with respect to an individual applicant for a motor vehicle operator's license or permit.

"Sec. 3. As used in this Act, the term 'State' includes each of the several States, the Commonwealth of Puerto Rico, the District of Columbia, Guam, the Virgin Islands, the Canal Zone, and American Samoa."

Approved September 9, 1966, 1:10 p.m.

\* This Act is now administered by the U.S. Department of Transportation.

## APPENDIX F

### Safety Board Comments on Needed National Driver Register Improvements for Consideration in the Department of Transportation Driver Register Evaluation



Office of the  
Chairman

### National Transportation Safety Board

Washington D.C. 20591

26 JUL 1979

National Highway Traffic  
Safety Administration  
Room 5108  
400 7th Street, S.W.  
Washington, D.C. 20590

RE: Docket No. 79-09

Dear Sir:

The National Transportation Safety Board appreciates the opportunity to comment on Docket No. 79-09 regarding the National Driver Register (NDR) study being performed in accordance with Section 204 of the Surface Transportation Act of 1978 (P.L. 95-599).

The Safety Board supports a centralized information system to help identify individuals who have poor driving records. We also endorse the one-license concept and believe that a central information file such as the NDR can be a valuable tool in its enforcement.

The NDR has been in operation since 1961. However, it has not kept pace with technology, and while the basic file and number of inquiries has grown steadily, the NDR's full potential for use and benefits has not yet been realized.

Your notice lists five study areas to be covered in the National Highway Traffic Safety Administration's (NHTSA) NDR Congressional study. Those areas are somewhat interrelated and technical.

The Safety Board offers the following comments regarding the specific study areas:

1. Information to be contained in the system

The Safety Board suggests that a massive Federal data file duplicating State traffic record systems should not be applied, and an on-line system using only basic identifiers -- driver, State of license, and State of violations -- be developed.

By employing technological innovations, the Federal NDR can act as a directory or pointer system that can direct inquiring States to other States where the subject driver has a record. The



- 2 -

response should be through an on-line computer network. It would be unnecessary to accumulate and maintain a massive Federal data file duplicating State records.

2. The accessibility of such information (including privacy safeguards)

The Safety Board believes the statutory requirements that were placed on the NDR when it was enacted nearly 20 years ago may no longer be valid. (Access is currently limited to State and Federal driver licensing authorities to check new and renewal driver license applications.) In our biennial reviews to Congress in 1976 and 1978, we referenced the need to evaluate the NDR to justify expansion of its statutory purpose.

In 1972, the Safety Board recommended (H-72-43) that the NHTSA request legislation to have hazardous violations included in the NDR and that commercial motor vehicle drivers' records should be available to motor carriers seeking a pre-employment check of applicant drivers, as required by Federal Motor Carrier Safety Regulation (FMCSR) 391.23. A similar recommendation (H-73-25) issued in 1973 was developed as a result of our investigation of a serious traffic accident in which the offending driver had such a poor driving record, he probably would not have been hired by an interstate trucking firm if a thorough review had been made of his record. Those recommendations were relevant to the present NDR system. The new NDR would involve different technology which does not require the addition of these data to the Federal system. Rather, it should contain minimum data and should "point" to the State where the subject's driver record would be obtained electronically. The new NDR system should make the hazardous violation information available to driver licensing authorities.

We believe that current Federal and State privacy laws are adequate to protect individuals' rights. In most States, driver records are a matter of public record. NDR privacy of drivers should be protected by a series of computer security checks to guard against unauthorized inquiries.

3. The necessary computer electronic equipment

The Safety Board believes that the state-of-the-art is such that if computer and computer program suppliers are given a set of specifications, they should be able to devise a cost-efficient system. Such a system should be able to allow the States in which the subject driver has a record to transmit records to the inquiring State. This would be achieved on-line electronically with appropriate Federal/State computer interfaces.

- 3 -

For example, the airline industry and AMTRAK have already devised on-line computer systems that handle thousands of transactions daily to schedule passengers. A similar on-line system could be considered to enable State driver license authorities to obtain instant information on individuals with poor driver records.

4. Means of keeping information current

Using the basic system described in No. 3, the information available in the State file would be as current as the State maintains it. This system would be more accurate and timely than one in which States prepare records and submit them to a Federal file.

5. Whether an NDR can effectively operate on a State voluntary participation basis

The Safety Board believes that if technological innovation is applied, a feasible on-line, instant-response NDR can be developed and demonstrated. We believe States will be likely to participate voluntarily. Commercial carriers also need better driver record evaluations of prospective employees.

In order to strengthen Federal/State use of the NDR, we suggest the establishment of an Advisory Committee or Board comprised of appropriate State, Federal, and private interests. This advisory group could provide technical and policy guidelines to enable the development and maintenance of an NDR system that will be as responsive as possible to the needs of the system users.

Because of the substantial program changes required, we recommend that NHTSA carefully structure implementation and evaluation plans. The implementation plan will be needed to thoroughly explain the new program to the States, private sector, and the public. The evaluation plan will be necessary to determine, as a minimum, the effectiveness of the changes in terms of the identification of individuals with poor driving records who are applying for new/renewal licenses or employment as a commercial driver.

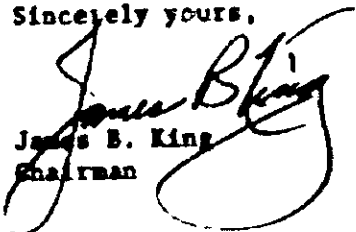
A demonstration program should also be considered to show that the NDR system is feasible. It should contain a variety of high-low volume users and widely geographically distributed States.

In summary, the Safety Board favors the development of a new NDR. That development should include the comments in the five study areas. Substantial input from the States, the private sector, and the public is also needed. This will encourage increased use by the States.

- 4 -

Further, we believe that motor carriers should have access (via a State motor vehicle agency) to the NDR for the purpose of reviewing applicant driving records as required by FMCSR's.

Sincerely yours,

  
James B. King  
Chairman

## APPENDIX G

### The Federal Motor Carrier Safety Regulations Pertaining to Detection and Control of Problem Commercial Drivers

#### § 391.15 Disqualification of drivers.

(a) *General.* A driver who is disqualified shall not drive a commercial motor vehicle. A motor carrier shall not require or permit a driver who is disqualified to drive a commercial motor vehicle.

(b) *Disqualification for loss of driving privileges.* A driver is disqualified for the duration of his loss of his privilege to operate a commercial motor vehicle on public highways, either temporarily or permanently, by reason of the revocation, suspension, withdrawal, or denial of an operator's license, permit, or privilege, until that operator's license, permit, or privilege is restored by the authority that revoked, suspended, withdrew, or denied it.

(c) *Disqualification for criminal misconduct—(1) General rule.* A driver who is convicted of, or forfeits bond or collateral upon a charge of, a disqualifying offense specified in paragraph (c) (2) of this section is disqualified for the period of time specified in paragraph (c) (3) of this section if—

(i) The offense was committed after December 31, 1970; and

(ii) The offense was committed while the driver was driving a motor vehicle in the employ of a motor carrier or in furtherance of a commercial enterprise in interstate, intrastate, or foreign commerce.

(2) *Disqualifying offenses.* The following offenses are disqualifying offenses:

(i) Operating a motor vehicle while under the influence of alcohol, an amphetamine, a narcotic drug, a formulation of an amphetamine, or a derivative of a narcotic drug.

(ii) A crime involving the knowing transportation, knowing possession, or unlawful use of amphetamines, narcotic drugs, formulations of an amphetamine, or derivatives of narcotic drugs.

(iii) Leaving the scene of an accident which resulted in personal injury or death.

(iv) A felony involving the use of a motor vehicle.

(3) *Duration of disqualification for criminal misconduct—(i) First offenders.* A driver is disqualified for 1 year after the date of his conviction or forfeiture of bond or collateral if, during the 3 years preceding that date, he was not convicted of, and did not forfeit bond or collateral upon a charge of, an offense that would disqualify him under the rules of this section.

(ii) *Subsequent offenders.* A driver is disqualified for 3 years after the date of his conviction or forfeiture of bond or collateral if, during the 3 years preceding that date, he was convicted of, or forfeited bond or collateral upon a charge of, an offense that would disqualify him under the rules in this section.

(37 FR 24902, Nov. 22, 1972)

**§ 391.21 Application for employment.**

(a) Except as provided in Subpart O of this part, a person shall not drive a motor vehicle unless he has completed and furnished the motor carrier that employs him with an application for employment that meets the requirements of paragraph (b) of this section.

(b) The application for employment shall be made on a form furnished by the motor carrier. Each application form must be completed by the applicant, must be signed by him, and must contain the following information:

(1) The name and address of the employing motor carrier;

(2) The applicant's name, address, date of birth, and social security number;

(3) The addresses at which the applicant has resided during the 3 years preceding the date on which the application is submitted;

(4) The date on which the application is submitted;

(5) The issuing State, number, and expiration date of each unexpired motor vehicle operator's license or permit that has been issued to the applicant;

(6) The nature and extent of the applicant's experience in the operation of motor vehicles, including the type of equipment (such as buses, trucks, truck tractors, semitrailers, full trailers, and pole trailers) which he has operated;

(7) A list of all motor vehicle accidents in which the applicant was involved during the 3 years preceding the date the application is submitted, specifying the date and nature of each accident and any fatalities or personal injuries it caused;

(8) A list of all violations of motor vehicle laws or ordinances (other than violations involving only parking) of which the applicant was convicted or forfeited bond or collateral during the 3 years preceding the date the application is submitted;

(9) A statement setting forth in detail the facts and circumstances of any denial, revocation, or suspension of any license, permit, or privilege to operate a motor vehicle that has been issued to the applicant, or a statement that no such denial, revocation, or suspension has occurred;

(10) A list of the names and addresses of the applicant's employers during the 3 years preceding the date the application is submitted, together with the dates he was employed by, and his reason for leaving the employ of, each employer; and

(11) The following certification and signature line, which must appear at the end of the application form and be signed by the applicant:

This certifies that this application was completed by me, and that all entries on it and information in it are true and complete to the best of my knowledge.

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Applicant's signature)

(c) A motor carrier may require an applicant to provide information in addition to the information required by paragraph (b) of this section on the application form.

(d) Before an application is submitted, the motor carrier shall inform the applicant that the information he provides in accordance with paragraph (b) (10) of this section may be used, and the applicant's prior employers may be contacted, for the purpose of investigating the applicant's background as required by § 391.23.

(35 FR 6160, Apr. 22, 1970, as amended at 35 FR 17120, Nov. 13, 1970)

**§ 391.23 Investigation and inquiries.**

(a) Except as provided in Subpart C of this part, each motor carrier shall make the following investigations and inquiries with respect to each driver it employs, other than a person who has been a regularly employed driver of the motor carrier for a continuous period which began before January 1, 1971:

(1) An inquiry into the driver's driving record during the preceding 3 years to the appropriate agency of every State in which the driver held a motor vehicle operator's license or permit during those 3 years; and

(2) An investigation of the driver's employment record during the preceding 3 years.

(b) The inquiry to State agencies required by paragraph (a)(1) of this section must be made within 30 days of the date the driver's employment

begins and shall be made in the form and manner those agencies prescribe. A copy of the response by each State agency, showing the driver's driving record or certifying that no driving record exists for that driver, shall be retained in the carrier's files as part of the driver's qualification file.

(c) The investigation of the driver's employment record required by paragraph (a)(2) of this section must be made within 30 days of the date his employment begins. The investigation may consist of personal interviews, telephone interviews, letters, or any other method of obtaining information that the carrier deems appropriate. Each motor carrier must make a written record with respect to each past employer who was contacted. The record must include the past employer's name and address, the date he was contacted, and his comments with respect to the driver. The record shall be retained in the motor carrier's files as part of the driver's qualification file.

(35 FR 6460, Apr. 22, 1970, as amended at 35 FR 17420, Nov. 13, 1970)

**§ 391.25 Annual review of driving record.**

Except as provided in Subpart C of this part, each motor carrier shall, at least once every 12 months, review the driving record of each driver it employs to determine whether that driver meets minimum requirements for safe driving or is disqualified to drive a motor vehicle pursuant to § 391.15. In reviewing a driving record, the motor carrier must consider any evidence that the driver has violated applicable provisions of the Federal

Motor Carrier Safety Regulations and the Hazardous Material Regulations. The motor carrier must also consider the driver's accident record and any evidence that the driver has violated laws governing the operation of motor vehicles, and must give great weight to violations, such as speeding, reckless driving, and operating while under the influence of alcohol or drugs, that indicate that the driver has exhibited a disregard for the safety of the public.

A note, setting forth the date upon which the review was performed and the name of the person who reviewed the driving record, shall be included in the driver's qualification file.

(35 FR 6460, Apr. 22, 1970, as amended at 35 FR 17420, Nov. 13, 1970)



(c) Except as provided in Subpart G of this part, each motor carrier shall at least once every 12 months, require each driver it employs to prepare and furnish it with a list of all violations of motor vehicle traffic laws and ordinances other than violations involving only parking of which the driver was been convicted or on account of which he has forfeited bond or collateral during the preceding 12 months.

(c) The form of the driver's list or certification shall be prescribed by the motor carrier. The following form may be used to comply with this section:

I certify that the following is a true and complete list of traffic violations (other than parking violations) for which I have been notified of forfeited bond or collateral during the past 12 months.

(d) The motor carrier shall retain the list or certificate required by this section, or a copy of it, in its files as part of the driver's qualification file.

**§ 292.42 Notification of license revocation.**

(15 FR 6464, Apr. 22, 1979)

## APPENDIX H

### Safety Board Investigations of Heavy Truck Accidents Involving Problem Commercial Drivers

#### MAJOR INVESTIGATIONS

<u>Report No.</u>	<u>Report Title</u>	<u>Date Adopted</u>
NTSB-HAR-72-6	"Tank-Truck Combination Overtake Onto Volkswagen Microbus Followed by Fire: U.S. Route 611, Moscow, Pennsylvania, September 5, 1971"	10/18/72
NTSB-HAR-73-3	"Propane Tractor-Semitrailer Overtake and Fire, U.S. Route 501, Lynchburg, Virginia, March 9, 1972"	5/24/73
NTSB-HAR-78-1	"Tractor-Semitrailer/Schoolbus Collision and Overtake, Restburg, Virginia, March 8, 1977"	2/23/78

#### LIMITED INVESTIGATIONS

<u>Accident Date</u>	<u>Location</u>	<u>Safety Board Docket No.</u>
7/24/78	Dallas, Texas	HY-125-79
1/26/79	W. Greenwich, Rhode Island	HY-141-79
5/21/78	Louisville, Kentucky	HY-146-79
11/18/78	Moses Lake, Washington	HY-114-78
9/8/78	Laramie, Wyoming	HY-153-79
5/2/78	Ludowici, Georgia	HY-177-79
3/20/78	Ocala, Florida	HY-147-79
5/15/78	Leon, Kansas	HY-179-79
12/17/78	Hanover, Virginia	HY-122-79
7/6/78	Savannah, Georgia	HY-96-78
3/9/77	Boise, Idaho	HY-171-79
1/27/79	Little Rock, Arkansas	HY-130-79
1/7/78	Cheektowaga, New York	HY-144-79
5/2/78	Winthrop, Iowa	HY-104-78
7/1/79	Rapid City, South Dakota	HY-134-79
12/14/78	Dalton, Georgia	HY-178-79
11/2/78	Firestone, Colorado	HY-116-78
5/ 5/79	Warfordsburg, Pennsylvania	HY-163-79

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<u>Accident Date</u>	<u>Location</u>	<u>Safety Board Docket No.</u>
7/31/78	Stamping Ground, Kentucky	HY-175-79
11/27/78	Edgemont, South Dakota	HY-132-79
11/5/77	Buffalo, Missouri	HY-106-78
4/13/78	Winner, South Dakota	HY-131-79
2/1/79	Lamar, Pennsylvania	HY-139-79
3/15/79	Alden, New York	HY-184-79
2/22/79	Bush Creek, Pennsylvania	HY-143-79
10/19/78	Deerwood, Minnesota	HY-173-79
5/28/78	Brookville, Indiana	HY-124-79
10/18/78	Winfield, Kansas	HY-176-79
7/11/78	Morgan, Utah	HY-151-79
10/4/78	Oakridge, Oregon	HY-156-79
1/30/79	Hagerstown, Maryland	HY-138-79
6/20/78	Loganville, Georgia	HY-97-79
6/19/78	Richmond Hill, Georgia	HY-127-79
9/8/78	Blue Earth, Minnesota	HY-133-79
10/17/78	Bella, Tennessee	HY-128-79
10/1/78	Lincoln, Nebraska	HY-136-79
7/9/78	Houston, Texas	HY-107-78
8/13/78	Moreau, New York	HY-185-79
8/27/78	Pasco, Washington	HY-169-79
11/15/78	Buckeye, Arizona	HY-113-78
10/24/77	Marshfield Wood, Wisconsin	HY-103-78

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